

FEDERAL REGISTER



VOLUME 23

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Washington, Friday, January 31, 1958

TITLE 3—THE PRESIDENT PROCLAMATION 3220

TERMINATING THE QUOTA ON IMPORTS OF
SHORT HARSH OR ROUGH COTTON
BY THE PRESIDENT OF THE UNITED STATES
OF AMERICA
A PROCLAMATION

WHEREAS on February 1, 1947, the President issued Proclamation No. 2715 (3 CFR, 1943-1948 Comp., p. 102) under the authority of section 22 of the Agricultural Adjustment Act, as amended (7 U. S. C. 624), limiting the quantity of harsh or rough cotton having a staple of less than three-fourths of one inch in length which might be entered, or withdrawn from warehouse, for consumption in any year commencing September 20 in 1946 and in subsequent years; and

WHEREAS subsection (d) of the said section 22 provides that after investigation, report, finding, and declaration in the manner provided in the case of a proclamation issued pursuant to subsection (b) of the said section 22, any proclamation or provision thereof may be terminated by the President whenever he finds and proclaims that the circumstances requiring the proclamation or provision thereof no longer exist; and

WHEREAS the United States Tariff Commission has made a supplemental investigation under the provisions of subsection (d) of the said section 22 and has reported to me its findings and recommendations made in connection therewith; and

WHEREAS, on the basis of such supplemental investigation and report of findings and recommendations of the said Tariff Commission made in connection therewith, I find that the circumstances requiring the quota established for the said harsh or rough cotton by the said Proclamation No. 2715 of February 1, 1947, no longer exist:

NOW, THEREFORE, I, DWIGHT D. EISENHOWER, President of the United States of America, under the authority vested in me by the said section 22 of the Agricultural Adjustment Act, as amended, do hereby proclaim that the provisions of the said Proclamation No. 2715 of February 1, 1947, establishing an import quota on harsh or rough cotton having a staple of less than three-fourths

of one inch in length are hereby terminated, effective immediately: *Provided, however,* that the modification made by the said proclamation of Proclamation No. 2351 of September 5, 1939, by deleting therefrom, wherever they appeared therein, the words "and chiefly used in the manufacture of blankets and blanketing" shall continue in full force and effect.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the United States of America to be affixed.

DONE in the City of Washington this 28th day of January in the year of our Lord nineteen hundred and [SEAL] fifty-eight, and of the Independence of the United States of America the one hundred and eighty-second.

DWIGHT D. EISENHOWER

By the President:

CHRISTIAN A. HERTER,
Acting Secretary of State.

[F. R. Doc. 58-800; Filed, Jan. 30, 1958;
10:19 a. m.]

TITLE 6—AGRICULTURAL CREDIT

Chapter III—Farmers Home Administration, Department of Agriculture

Subchapter F—Security Servicing and Liquidations

[FHA Instruction 462.2]

PART 371—OPERATING LOANS

Subchapter G—Miscellaneous Regulations

[FHA Instruction 448.1]

PART 384—SPECIAL LIVESTOCK LOANS

SETTLEMENT OF INDEBTEDNESS

1. Section 371.41 (b), Title 6, Code of Federal Regulations (19 F. R. 4105), is hereby revoked. Debt settlement actions on Special Livestock loan indebtedness may be taken in accordance with Part 364 of this chapter.

2. Section 384.10, Title 6, Code of Federal Regulations (19 F. R. 4105), is revised to remove the debt settlement restriction to Part 364 of this chapter and to read as follows:

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§ 384.10 *Servicing Special Livestock loans.* Special Livestock loan accounts and security will be serviced in accordance with the applicable provisions of Farmers Home Administration regulations covering account and security servicing for other operating loans, except that § 371.42 of this chapter applies instead of § 371.4 (b), and §§ 371.41 and 371.43 of this chapter expressly govern certain phases of Special Livestock loan security servicing.

(R. S. 161; 5 U. S. C. 22)

Dated: January 28, 1958.

[SEAL] K. H. HANSEN,
Administrator,
Farmers Home Administration.

[F. R. Doc. 58-750; Filed, Jan. 30, 1958; 8:51 a. m.]

[FHA Instruction 446.1]

PART 382—FUR LOAN PROGRAM

SETTLEMENT OF INDEBTEDNESS

Section 382.9, Title 6, Code of Federal Regulations (19 F. R. 3993), is revised to delete the exception to Part 364 to permit debt settlement actions, and to read as follows:

§ 382.9 *Servicing Fur loans.* Fur loans will be serviced pursuant to Farmers Home Administration regulations containing the authorities, policies, and

procedures for the servicing of operating loans.

(R. S. 161; 5 U. S. C. 22)

Dated: January 28, 1958.

[SEAL] K. H. HANSEN,
Administrator,
Farmers Home Administration.

[F. R. Doc. 58-749; Filed, Jan. 30, 1958;
8:51 a.m.]

[Administration Letter 447 (440)]

PART 390—ASSISTANCE IN THE GREAT
PLAINS AREA

SETTLEMENT OF INDEBTEDNESS

Section 390.5 (h), in Title 6, Code of Federal Regulations (21 F. R. 5981), is revised to remove the debt settlement exception to Part 364 of Chapter III and to read as follows:

§ 390.5 *Making and servicing supervised loans.* * * *

(h) *Servicing.* Supervised loans made under this subpart will be serviced in accordance with the authorities, policies, and procedures applicable to the servicing of Operating loans. Nonsupervised loans will be serviced as indicated under § 390.4.

(R. S. 161; 5 U. S. C. 22)

Dated: January 28, 1958.

[SEAL] K. H. HANSEN,
Administrator,
Farmers Home Administration.

[F. R. Doc. 58-751; Filed, Jan. 30, 1958;
8:51 a.m.]

TITLE 7—AGRICULTURE

Chapter VII—Commodity Stabilization Service (Farm Marketing Quotas and Acreage Allotments), Department of Agriculture

PART 723—CIGAR-FILLER TOBACCO, CIGAR- BINDER TOBACCO, AND CIGAR-FILLER AND BINDER TOBACCO

AMOUNTS OF AND APPORTIONMENTS OF NA- TIONAL MARKETING QUOTAS FOR 1958-59 MARKETING YEAR

- Sec.
723.901 Basis and purpose.
723.902 Findings and determinations with respect to the national marketing quota for cigar-binder (types 51 and 52) tobacco for the marketing year beginning October 1, 1958.
723.903 Findings and determinations with respect to the national marketing quota for cigar-filler and cigar-binder tobacco, types 42, 43, 44, 53, 54 and 55, for the marketing year beginning October 1, 1958.

AUTHORITY: §§ 723.901 to 723.903 issued under sec. 375, 52 Stat. 66, as amended; 7 U. S. C. 1375. Interpret of apply secs. 301, 312, 313, 52 Stat. 38, as amended, 46, as amended, 47, as amended; 7 U. S. C. 1301, 1312, 1313.

§ 723.901 *Basis and purpose.* The regulations contained in §§ 723.901 to 723.903 are issued (a) to establish the reserve supply level and the total supply

of (1) cigar-binder (types 51 and 52) tobacco, and (2) cigar-filler and cigar-binder (types 42, 43, 44, 53, 54 and 55) tobacco for the marketing year beginning October 1, 1957; (b) to announce the national marketing quotas for (1) cigar-binder (types 51 and 52) tobacco, and (2) cigar-filler and cigar-binder (types 42, 43, 44, 53, 54 and 55) tobacco for the marketing year beginning October 1, 1958 and (c) to apportion the national marketing quotas among the several States. The findings and determinations by the Secretary contained in §§ 723.902 and 723.903 have been made on the basis of the latest available statistics of the Federal Government and after due consideration of data, views, and recommendations received from cigar-filler and cigar-binder tobacco producers and others as provided in notice (22 F. R. 8187) given in accordance with the Administrative Procedure Act (5 U. S. C. 1003).

Since producers of cigar-binder (types 51 and 52) tobacco and producers of cigar-filler and binder (types 42, 43, 44, 53, 54 and 55) tobacco are making 1958 farming plans and it is imperative that they know the tobacco acreage allotments for their farms as soon as possible, it is hereby found that compliance with the 30-day effective date provisions of the Administrative Procedure Act is impracticable and contrary to the public interest. Therefore, the findings and determinations and the proclamations and apportionments of the quotas contained herein shall become effective upon the date of their filing with the Director, Division of the Federal Register.

§ 723.902 *Findings and determinations with respect to the national marketing quota for cigar-binder (types 51 and 52) tobacco for the marketing year beginning October 1, 1958*—(a) *Reserve supply level.* The reserve supply level for cigar-binder (types 51 and 52) tobacco is 57,800,000 pounds, calculated, as provided in the Agricultural Adjustment Act of 1938, as amended, from a normal year's domestic consumption of 18,500,000 pounds and a normal year's exports of 2,500,000 pounds.

(b) *Total supply.* The total supply of cigar-binder (types 51 and 52) tobacco for the marketing year beginning October 1, 1957 is 54,000,000 pounds consisting of carryover of 46,000,000 pounds and estimated 1957 production of 8,000,000 pounds.

(c) *Carryover.* The estimated carryover of cigar-binder (types 51 and 52) tobacco at the beginning of the marketing year for such tobacco beginning October 1, 1958, is 36,500,000 pounds calculated by subtracting the estimated disappearance for the marketing year beginning October 1, 1957 of 17,500,000 pounds from the total supply of such tobacco.

(d) *National marketing quota.* The amount of cigar-binder (types 51 and 52) tobacco which will make available during the marketing year beginning October 1, 1958, a supply of cigar-binder (types 51 and 52) tobacco equal to the

reserve supply level of such tobacco is 21,300,000 pounds, and a national marketing quota of such amount is hereby announced.

(e) *Apportionment of the quota.* The national marketing quota for cigar-binder (types 51 and 52) tobacco is hereby apportioned among the several States pursuant to section 313 (a) of the Agricultural Adjustment Act of 1938, as amended, and converted into State acreage allotments in accordance with section 313 (g) of the act as follows:

State:	Acreage allotment
Connecticut	7,841
Massachusetts	4,095
New Hampshire	1
New York	1
Vermont	5
Reserve ¹	121

¹ Acreage reserved for establishing allotments for new farms.

§ 723.903 *Findings and determinations with respect to the national marketing quota for cigar-filler and binder (types 42, 43, 44, 53, 54 and 55) tobacco for the marketing year beginning October 1, 1958*—(a) *Reserve supply level.* The reserve supply level for cigar-filler and binder (types 42, 43, 44, 53, 54 and 55) tobacco is 99,400,000 pounds, calculated, as provided in the Agricultural Adjustment Act of 1938, as amended, from a normal year's domestic consumption of 34,000,000 pounds and a normal year's exports of 700,000 pounds.

(b) *Total supply.* The total supply of cigar-filler and binder (types 42, 43, 44, 53, 54 and 55) tobacco for the marketing year beginning October 1, 1957 is 101,700,000 pounds consisting of carryover of 75,800,000 pounds and estimated 1957 production of 25,900,000 pounds.

(c) *Carryover.* The estimated carryover of cigar-filler and binder (types 42, 43, 44, 53, 54 and 55) tobacco at the beginning of the marketing year for such tobacco beginning October 1, 1958 is 67,900,000 pounds calculated by subtracting the estimated disappearance for the marketing year beginning October 1, 1957 of 33,800,000 pounds from the total supply of such tobacco.

(d) *National marketing quota.* The amount of cigar-filler and binder (types 42, 43, 44, 53, 54 and 55) tobacco which will make available during the marketing year beginning October 1, 1958, a supply of cigar-filler and binder tobacco equal to the reserve supply level of such tobacco is 31,500,000 pounds, and a national marketing quota of such amount is hereby announced. It is determined, however, that a national marketing quota in the amount of 31,500,000 pounds would result in undue restriction of marketings during the 1958-59 marketing year and such amount is hereby increased by 20 percent. Therefore, the amount of the national marketing quota for cigar-filler and binder (types 42, 43, 44, 53, 54 and 55) tobacco in terms of the total quantity of such tobacco which may be marketed during the marketing year beginning October 1, 1958 is 37,800,000 pounds.

(e) *Apportionment of the quota.* The national marketing quota for cigar-filler and binder (types 42, 43, 44, 53, 54 and 55) tobacco is hereby apportioned among

¹ Rounded to the nearest tenth of a million pounds.

the several States pursuant to section 313 (a) of the Agricultural Adjustment Act of 1938, as amended, and converted into State acreage allotments in accordance with section 313 (g) of the act as follows:

State:	Acreage allotment
Illinois	7
Indiana	1
Iowa	8
Minnesota	242
New York	99
Ohio	5,074
Pennsylvania	255
Wisconsin	17,971
Reserve ¹	239

¹ Acreage reserved for establishing allotments for new farms.

Done at Washington, D. C., this 28th day of January 1958. Witness my hand and the seal of the Department of Agriculture.

[SEAL] TRUE D. MORSE,
Acting Secretary.

[F. R. Doc. 58-747; Filed, Jan. 30, 1958; 8:50 a. m.]

[1023—Allotments—(Cigar-Binder and Cigar-Filler and Binder—58)—1]

PART 723—CIGAR-FILLER TOBACCO, CIGAR-BINDER TOBACCO, AND CIGAR-FILLER AND BINDER TOBACCO

MARKETING QUOTA REGULATIONS, 1958-59 MARKETING YEAR

This amendment is based on the marketing quota provisions of the Agricultural Adjustment Act of 1938, as amended, applicable to tobacco (7 U. S. C. 1311-15), and provides for the relaxation of eligibility requirements for new farm allotments, increases the acreage limitation with respect thereto in comparison with acreage allotments for comparable old farms, and increases the percentage of the national marketing quota available for the establishment of new farm allotments.

In conformance with the provisions of the Administrative Procedure Act (5 U. S. C. 1003), notice of the formulation of the amendment was published in the FEDERAL REGISTER (23 F. R. 258). The views, data and recommendations of interested persons have been followed within the limits permitted by the Agricultural Adjustment Act of 1938, as amended. Since the amendment is necessary in connection with determination of 1958 acreage allotments for new farms and since farmers are making their 1958 farming plans and need to know the acreage allotments for their farms in order to complete such plans, it is hereby found and determined that compliance with the 30-day effective date provision of section 4 of the Administrative Procedure Act is impracticable and contrary to the public interest and the amendment shall become effective upon the date of filing with the Director, Division of the Federal Register.

1. Section 723.923 is hereby amended to read as follows:

§ 723.923 *Determination of acreage allotments for new farms.* (a) The acre-

age allotment, other than an allotment made under § 723.920, for a new farm shall be that acreage which the county committee determines is fair and reasonable for the farm, taking into consideration the past tobacco experience of the farm operator; the land, labor, and equipment available for the production of tobacco; crop rotation practices; and the soil and other physical factors affecting the production of tobacco: *Provided*, That the acreage allotment so determined shall not exceed 75 percent of the allotments for old farms which are similar with respect to land, labor, and equipment available for the production of tobacco, crop rotation practices, and the soil and other physical factors affecting the production of tobacco: *And provided further*, That if the acreage planted to tobacco on a new tobacco farm is less than the tobacco acreage allotment otherwise established for the farm pursuant to this section, such allotment shall be automatically reduced to the acreage planted to tobacco on the farm.

(b) Notwithstanding any other provisions of this section, a tobacco acreage allotment shall not be established for any new farm unless each of the following conditions has been met:

(1) The farm operator shall have had experience in the kind of tobacco for which an allotment is requested and such experience shall consist of the preparation of the plant bed and extend through preparation of the tobacco for market: *Provided*, That production of tobacco on a farm in 1955, 1956 or 1957 for which in accordance with applicable law and regulations no 1955, 1956 or 1957 tobacco acreage allotment respectively was determined shall not be deemed such experience for any producer.

(2) The farm covered by the application shall be the only farm owned or operated by the farm operator for which a cigar-binder (types 51 and 52) tobacco, or cigar-filler and binder (types 42, 43, 44, 53, 54 and 55) tobacco acreage allotment is established for the 1958-59 marketing year.

(3) The farm or any portion thereof shall not have been a part of another farm during any of the five years 1953-57 for which an old farm tobacco acreage allotment was determined, except that this provision shall not of itself make a farm ineligible for a new farm allotment (i) if it is the same farm or a portion of the same farm for which an old farm allotment was cancelled since 1952 due to no tobacco being produced thereon for five years, or (ii) if it was a portion of an old farm during any of the years 1953-57 and at time of division of the farm contained cropland but received no part of the allotment due (a) to division of the allotment on a contribution basis, or (b) to agreement and approval of all interested parties as provided in the section of these regulations governing divisions and combinations of allotments.

(c) The acreage allotments established as provided in this section shall be subject to such downward adjustment as is necessary to bring such allotments in line with the total acreage available for allotment to all new farms. One per-

cent of the 1958 national marketing quota shall, when converted to an acreage allotment by the use of the national average yield, be available for establishing allotments for new farms. The national average yield shall be the average of the several State yields used in converting the State marketing quotas into State acreage allotments.

(Sec. 375, 52 Stat. 66, as amended; 7 U. S. C. 1375. Interprets or applies sec. 313, 52 Stat. 47, as amended, 7 U. S. C. 1313)

Done at Washington, D. C., this 28th day of January 1958. Witness my hand and the seal of the Department of Agriculture.

[SEAL] TRUE D. MORSE,
Acting Secretary.

[F. R. Doc. 58-748; Filed, Jan. 30, 1958; 8:50 a. m.]

Chapter IX—Agricultural Marketing Service (Marketing Agreements and Orders), Department of Agriculture

PART 982—MILK IN THE CENTRAL WEST TEXAS MARKETING AREA

ORDER AMENDING ORDER REGULATING HANDLING

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AUTHORITY: §§ 982.0 to 982.111 issued under sec. 5, 49 Stat 753, as amended; 7 U. S. C. 608c.

§ 982.0 *Findings and determinations.* The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (Part 900 of this chapter), a public hearing was held upon certain proposed amendments to the tentative marketing agreement and to the order regulating the handling of milk in the Central West Texas marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order as hereby amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the act;

(2) The parity prices of milk, as determined pursuant to section 2 of the act, are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in

the said marketing area, and the minimum prices specified in the order as hereby amended are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest;

(3) The said order as hereby amended, regulates the handling of milk in the same manner as, and is applicable only to persons in the respective classes of industrial or commercial activity specified in, a marketing agreement upon which a hearing has been held.

(4) All milk and milk products handled by handlers, as defined in the order as hereby amended, are in the current of interstate commerce or directly burden, obstruct, or affect interstate commerce in milk or its products; and

(5) It is hereby found that the necessary expense of the market administrator for the maintenance and functioning of such agency will require the payment by each handler, as his pro rata share of such expense, 4 cents per hundredweight or such amount not to exceed 4 cents per hundredweight as the Secretary may prescribe, with respect to all receipts of other source milk which is classified as Class I milk, and all milk received from producers including a handler's own production.

(b) *Additional findings.* It is necessary in the public interest to make this order amending the order effective not later than February 1, 1958. Any delay beyond that date will seriously threaten the orderly marketing of milk in the marketing area. The provisions of this order are well known to handlers. The public hearing on which this order is based was held on August 6-9, 1957. The recommended decision of the Deputy Administrator, Agricultural Marketing Service, was issued on November 21, 1957 (22 F. R. 9433; F. R. Doc. 57-9786). The final decision was issued on January 23, 1958. The issuance of this order amending the order does not require persons affected substantial or extensive preparation prior to its effective date. In view of the foregoing, it is hereby found and determined that good cause exists for making this order amending the order effective February 1, 1958, and that it would be contrary to the public interest to further delay the effective date (see sec. 4 (c) Administrative Procedure Act, 5 U. S. C. 1001 et seq.).

(c) *Determinations.* It is hereby determined that handlers (excluding cooperative associations of producers who are not engaged in processing, distributing or shipping milk covered by this order amending the order) of more than 50 percent of the volume of milk covered by this order amending the order, which is marketed within the said marketing area, refused or failed to sign the proposed marketing agreement regulating the handling of milk in the said marketing area, and it is hereby further determined that:

(1) The refusal or failure of such handlers to sign said marketing agreement tends to prevent the effectuation of the declared policy of the act;

(2) The issuance of this order amending the order is the only practical means, pursuant to the declared policy of the

act, of advancing the interests of producers of milk which is produced for sale in the said marketing area; and

(3) The issuance of this order amending the order is approved or favored by at least two-thirds of the producers who, during the determined representative period (November 1957), were engaged in the production of milk for sale in the said marketing area.

Order relative to handling. It is therefore ordered, that on and after the effective date hereof, the handling of milk in the Central West Texas marketing area shall be in conformity to and in compliance with the terms and conditions of the aforesaid order, as hereby amended, and the aforesaid order is hereby amended to read as follows:

DEFINITIONS

§ 982.1 *Act.* "Act" means Public Act No. 10, 73d Congress, as amended, and as re-enacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.).

§ 982.2 *Secretary.* "Secretary" means the Secretary of Agriculture or such other officer or employee of the United States authorized to exercise the powers or to perform the duties of the said Secretary of Agriculture.

§ 982.3 *Department.* "Department" means the United States Department of Agriculture or such other Federal Agency authorized to perform the price reporting functions specified in this part.

§ 982.4 *Person.* "Person" means any individual, partnership, corporation, association, or any other business unit.

§ 982.5 *Cooperative association.* "Cooperative association" means any cooperative marketing association of producers which the Secretary determines, after application by the association:

(a) To be qualified under the provisions of the act of Congress of February 18, 1922, as amended, known as the "Capper-Volstead Act"; and

(b) To have full authority in the sale of milk of its members and to be engaged in making collective sales or marketing milk or its products for its members.

§ 982.6 *Central West Texas marketing area.* "Central West Texas marketing area," hereafter called the "marketing area," means all territory within the boundaries of the Abilene Air Force Base and within the corporate limits of the following cities and towns, all in the State of Texas:

Abilene.	Lamesa.
Albany.	Merkel.
Anson.	Midland.
Aspermont.	Mineral Wells.
Ballinger.	Munday.
Big Spring.	Odessa.
Breckenridge.	Ranger.
Brownwood.	Rochester.
Cisco.	Rotan.
Coleman.	Rule.
Colorado City.	San Angelo.
Comanche.	Snyder.
Eastland.	Stamford.
Hamlin.	Sweetwater.
Haskell.	Tye.
Knox City.	Winters.

§ 982.7 *Approved plant.* "Approved plant" means:

(a) A milk plant approved by and under the routine inspection of the health authority of any municipality in the marketing area:

(1) From which Class I milk labeled Grade A in consumer packages is disposed of in the marketing area on routes, or

(2) Which receives milk from producers as defined in § 982.10 (a) which serves as a receiving station by receiving, weighing and commingling producer milk, and from which milk or skim milk (i) is moved to a plant specified in subparagraph (1) of this paragraph during the month, or (ii) was moved to plant(s) specified in subparagraph (1) of this paragraph in an amount equal to 60 percent or more of total receipts of producer milk during the months of October through January immediately preceding any month of April, May or June during which no milk was moved to such a plant; or

(b) A milk plant approved by and under the routine inspection of a health authority other than that of a municipality in the marketing area from which Class I milk labeled Grade A in consumer packages is disposed of in the marketing area on a route operated wholly or partially in the marketing area in an amount equal to 15 percent or more of the total disposition of Class I milk from such plant during the month.

§ 982.8 *Unapproved plant.* "Unapproved plant" means any milk processing or distributing plant which is not an approved plant.

§ 982.9 *Handler.* "Handler" means:

(a) Any person in his capacity as the operator of an approved plant;

(b) Any person in his capacity as the operator of an unapproved plant from which Class I milk is disposed of during the month on a route in the marketing area;

(c) Any cooperative association with respect to the milk of producers which it causes to be delivered directly from the farm for its own account, in tank truck(s) owned or operated by such association, to the approved plant of another handler described in § 982.7 (a) (1) or (b): *Provided*, That such milk shall be deemed to have been received by the cooperative association at the location of the plant to which it is delivered; or

(d) Any cooperative association with respect to the milk of any producer which it causes to be diverted to an unapproved plant for the account of such cooperative association.

§ 982.10 *Producer.* "Producer" means any person other than a producer-handler:

(a) Who produces milk under a dairy farm permit or rating for the production of milk to be disposed of for consumption as Grade A milk issued by the health authority of any municipality in the marketing area, which milk is received at an approved plant described in § 982.7 (a); or

(b) Who produces milk under a dairy farm permit or rating for the production of milk to be disclosed of for consump-

tion as Grade A milk issued by a health authority whose certification is accepted by the appropriate health authority of a municipality in the marketing area, which milk is received at an approved plant described in § 982.7 (b).

(c) "Producer" shall include any such person whose milk is received by a cooperative association pursuant to § 982.9 (c) or is regularly received at an approved plant, but whose milk is caused to be diverted by a handler to an unapproved plant, and milk so diverted shall be deemed to have been received by the handler at the location of the approved plant at which it was received immediately prior to its being so diverted. "Producer" shall not include any person with respect to milk produced by him which is received at a plant operated by a handler who is subject to another Federal marketing order and who is partially exempt from the provisions of this part pursuant to § 982.61.

§ 982.11 *Producer milk.* "Producer milk" means all skim milk and butterfat in milk produced by producers which is received by a handler, either directly from producers or from other handlers.

§ 982.12 *Other source milk.* "Other source milk" means all skim milk and butterfat other than that contained in producer milk.

§ 982.13 *Producer-handler.* "Producer-handler" means any person who produces milk and operates an approved plant, but who receives no milk other than from his own production and from approved plants.

§ 982.14 *Route.* "Route" means any delivery (including any delivery by a vendor or at a plant store) of milk, skim milk, buttermilk or flavored milk drink other than in bulk to a milk processing plant.

§ 982.15 *Base milk.* "Base milk" means milk received from a producer by a handler during any of the months of March through June which is not in excess of such producer's daily average base computed pursuant to § 982.80 multiplied by the number of days in such month for which such producer delivered milk to such handler.

§ 982.16 *Excess milk.* "Excess milk" means producer milk received by a handler during any of the months of March through June which is in excess of base milk received from such producer during such month, and it shall include all milk received from producers for whom no daily average base can be computed pursuant to § 982.80.

MARKET ADMINISTRATOR

§ 982.20 *Designation.* The agency for the administration of this part shall be a market administrator, selected by the Secretary, who shall be entitled to such compensation as may be determined by, and shall be subject to removal at the discretion of, the Secretary.

§ 982.21 *Powers.* The market administrator shall have the following powers with respect to this part:

(a) To administer its terms and provisions;

(b) To receive, investigate, and report to the Secretary complaints of violations;

(c) To make rules and regulations to effectuate its terms and provisions; and

(d) To recommend amendments to the Secretary.

§ 982.22 *Duties.* The market administrator shall perform all duties necessary to administer the terms and provisions of this part including but not limited to the following:

(a) Within 30 days following the date on which he enters upon his duties, or such lesser period as may be prescribed by the Secretary, execute and deliver to the Secretary a bond effective as of the date on which he enters upon such duties and conditioned upon the faithful performance of such duties, in an amount and with surety thereon satisfactory to the Secretary;

(b) Employ and fix the compensation of such persons as may be necessary to enable him to administer its terms and provisions;

(c) Obtain a bond in reasonable amount and with reasonable surety thereon covering each employee who handles funds entrusted to the market administrator;

(d) Pay out of funds provided by § 982.98 the cost of his bond and of the bonds of his employees, his own compensation, and all other expenses (except those incurred under § 982.97) necessarily incurred by him in the maintenance and functioning of his office and in the performance of his duties;

(e) Keep such books and records as will clearly reflect the transactions provided for in this part, and upon request by the Secretary, surrender the same to such other person as the Secretary may designate;

(f) Submit his books and records to examination by the Secretary and furnish such information and reports as may be requested by the Secretary;

(g) Audit all reports and payments by each handler by inspection of such handler's records and of the records of any other handler or person upon whose utilization the classification of skim milk or butterfat for such handler depends;

(h) Publicly announce, at his discretion, by posting in a conspicuous place in his office and such other means as he deems appropriate, the name of any person who, within 5 days after the day upon which he is required to perform such acts, has not:

(1) Made reports pursuant to § 982.30 to § 982.32, inclusive; or

(2) Made payments pursuant to § 982.90 to § 982.99, inclusive.

(i) On or before the 12th day after the end of each month, report to each cooperative association, which so requests, the amount and class utilization of milk received by each handler from producers who are members of such cooperative association. For the purpose of this report, the milk so received shall be prorated to each class in the proportion that the total receipts of milk from producers by such handler were used in each class;

(j) Publicly announce by posting in a conspicuous place in his office and by such other means as he deems appropriate the prices determined for each month as follows:

(1) On or before the 5th day of each month the minimum price for Class I milk pursuant to § 982.50 and the Class I butterfat differential pursuant to § 982.52 (a), both for the current month, and the minimum prices for Class II and Class II-A milk pursuant to § 982.51 and the butterfat differential for Class II and Class II-A milk pursuant to § 982.52 (b), both for the preceding month.

(2) On or before the 12th day of each month, the uniform prices computed pursuant to § 982.72 or § 982.73 as applicable and the butterfat differential computed pursuant to § 982.92, both applicable to milk delivered during the preceding month;

(k) Prepare and disseminate to the public such statistics and information as he deems advisable and as do not reveal confidential information; and

(l) Furnish to a cooperative association upon request the data furnished to the market administrator pursuant to § 982.31 (a) with respect to milk of its members.

REPORTS, RECORDS AND FACILITIES

§ 982.30 *Reports of receipts and utilization.* On or before the 7th day after the end of each month, each handler, except a producer-handler, shall report to the market administrator in detail and on forms prescribed by the market administrator as follows for each approved plant operated by him, or, in the case of a cooperative association, for producer milk diverted by it:

(a) The quantities of skim milk and butterfat contained in milk received from producers, and for the months of March through June, the aggregate quantities of base milk and excess milk;

(b) The quantities of skim milk and butterfat contained in (or used in the production of) receipts from other handlers;

(c) The quantities of skim milk and butterfat contained in receipts of other source milk (except Class II and II-A products disposed of in the form in which received without further processing or packaging by the handler);

(d) The quantities of skim milk and butterfat contained in or represented by all milk, skim milk, cream and products specified as Class I milk pursuant to § 982.41 (a) on hand at the beginning and the end of the month;

(e) The utilization of all skim milk and butterfat required to be reported pursuant to this section;

(f) The pounds of milk received from producers at each approved plant and the pounds of Class I milk disposed of from each such plant, if the handler operates more than one approved plant;

(g) The disposition of Class I products on routes wholly outside the marketing area; and

(h) Such other information with respect to receipts and utilization as the market administrator may prescribe.

§ 982.31 *Reports of payments to producers.* On or before the 20th day of

each month, each handler shall submit to the market administrator his producer payroll for deliveries of the preceding month which shall show:

(a) The total pounds and the average butterfat test of milk received from each producer and cooperative association, the number of days, if less than the entire month, for which milk was received from each such producer, and, for the months of March through June, such producer's deliveries of base milk and excess milk;

(b) The amount of payment to each producer and cooperative association; and

(c) The nature and amount of any deductions or charges involved in such payments.

§ 982.32 *Other reports.* (a) Each producer-handler shall make reports to the market administrator at such time and in such manner as the market administrator may prescribe.

(b) Each handler who causes milk to be diverted to an unapproved plant shall, prior to such diversion, report to the market administrator and to the cooperative association of which such producer is a member, his intention to divert such milk, the proposed date or dates of such diversion, and the plant to which such milk is to be diverted.

§ 982.33 *Records and facilities.* Each handler shall maintain and make available to the market administrator or to his representatives during the usual hours of business such accounts and records of his operations and such facilities as are necessary for the market administrator to verify or establish the correct data with respect to:

(a) The receipts and utilization of all receipts of producer milk and other source milk;

(b) The weights and tests for butterfat and other content of all milk, skim milk, cream and milk products handled;

(c) Payments to producers and cooperative associations; and

(d) The pounds of skim milk and butterfat contained in or represented by all milk, skim milk, cream and milk products on hand at the beginning and end of each month.

§ 982.34 *Retention of records.* All books and records required under this part to be made available to the market administrator shall be retained by the handler for a period of three years to begin at the end of the month to which such books and records pertain: *Provided*, That if, within such three-year period, the market administrator notifies the handler in writing that the retention of such books and records, or of specified books and records, is necessary in connection with a proceeding under section 8c (15) (A) of the act or a court action specified in such notice, the handler shall retain such books and records, or specified books and records, until further written notification from the market administrator. In either case, the market administrator shall give further written notification to the handler promptly, upon the termination of the litigation or when the records are no longer necessary in connection therewith.

CLASSIFICATION

§ 982.40 *Skim milk and butterfat to be classified.* All skim milk and butterfat received within the month by a handler which is required to be reported pursuant to § 982.30 shall be classified by the market administrator pursuant to the provisions of §§ 982.41 to 982.46, inclusive.

§ 982.41 *Classes of utilization.* Subject to the conditions set forth in §§ 982.43 and 982.44, the classes of utilization shall be as follows:

(a) Class I milk shall be all skim milk (including reconstituted skim milk) and butterfat disposed of in the form of milk, skim milk, buttermilk, flavored milk drinks, cream, cultured sour cream, any mixture (except eggnog, aerated cream products and mixes for ice cream or other frozen dairy products) of cream and milk or skim milk, and all skim milk and butterfat not specifically accounted for under paragraph (b) of this section; and

(b) Class II milk shall be all skim milk and butterfat:

(1) Used to produce any product other than those specified in paragraph (a) of this section, except Cheddar cheese during the months of February through July;

(2) Disposed of for livestock feed;

(3) In shrinkage up to 2 percent (5 percent, with respect to receipts of skim milk during the months of April, May, and June) of receipts from producers;

(4) In shrinkage of other source milk; and

(5) In inventory at the end of the month as skim milk, cream or any product specified in paragraph (a) of this section.

(c) Class II-A milk shall be all skim milk and butterfat used to produce Cheddar cheese during the months of February through July.

§ 982.42 *Shrinkage.* The market administrator shall allocate shrinkage over a handler's receipts as follows:

(a) Compute the total shrinkage of skim milk and butterfat for each handler; and

(b) Prorate the resulting amounts between the receipts of skim milk and butterfat in producer milk and in other source milk.

§ 982.43 *Responsibility of handlers and reclassification of milk.* (a) All skim milk and butterfat shall be Class I milk unless the handler who first receives such skim milk or butterfat proves to the market administrator that such skim milk or butterfat should be classified otherwise.

(b) Any skim milk or butterfat classified as Class II milk shall be reclassified if later disposed of (whether in original or other form) as Class I milk.

§ 982.44 *Transfers.* Skim milk or butterfat disposed of by a handler by either transfer or diversion from an approved plant shall be classified:

(a) At the class mutually indicated in writing to the market administrator by both handlers on or before the 7th day after the end of the month within which such transaction occurred, otherwise as

Class I milk, if transferred or diverted in the form of milk, skim milk or cream, to the approved plant of another handler (except a producer-handler), subject in either event to the following conditions:

(1) The receiving handler has utilization in such class of an equivalent amount of skim milk and butterfat respectively; and

(2) Such skim milk or butterfat shall be classified so as to allocate to producer milk the greatest possible Class I utilization in the two plants.

(b) As Class I milk, if transferred to a producer-handler in the form of milk, skim milk or cream;

(c) As Class I milk, if transferred or diverted in the form of milk or skim milk to an unapproved plant more than 300 miles distant by the shortest highway distance, as determined by the market administrator;

(d) As Class I milk if transferred in the form of cream under Grade A certification to an unapproved plant located more than 300 miles distant and as Class II milk if so transferred without Grade A certification;

(e) As Class I milk if transferred or diverted in the form of bulk milk, skim milk or cream to an unapproved plant located not more than 300 miles distant by the shortest highway distance and from which fluid milk is disposed of on wholesale or retail routes, unless the conditions in subparagraphs (1) and (2) of this paragraph are met:

(1) The market administrator is permitted to audit the records of such unapproved plant; and

(2) Such unapproved plant receives milk from dairy farmers who the market administrator determines constitutes its regular source of supply for Class I milk.

(3) If these conditions are met, the market administrator shall classify such milk as reported by the handler, subject to verification as follows:

(i) Determine the use of all skim milk and butterfat at such unapproved plant; and

(ii) Allocate the skim milk and butterfat so transferred or diverted to the highest use classification remaining after subtracting in series beginning with the highest use classification, the skim milk and butterfat in milk received at the unapproved plant direct from dairy farmers.

(f) As Class II milk if transferred or diverted in the form of milk, skim milk or cream to an unapproved plant located not more than 300 miles distant by the shortest highway distance from which fluid milk is not disposed of on wholesale or retail routes, except that if diverted or transferred in the form of milk, during the months of February through July, to such unapproved plant which manufactures American Cheddar cheese such milk shall be classified as Class II-A milk: *Provided*, That if receipts of milk at such transferee plant are greater than the amount of milk used in the production of American Cheddar cheese during the month, the market administrator shall assign the Class II-A usage in the transferee plants, first to the milk received at such plant from dairy farmers

and unapproved plants, and then pro rata to all milk transferred or diverted to such cheese plant from approved plants.

§ 982.45 *Computation of the skim milk and butterfat in each class.* For each month the market administrator shall correct for mathematical and for other obvious errors the monthly report submitted by each handler and shall compute the pounds of skim milk and butterfat in Class I and Class II milk for such handler.

§ 982.46 *Allocation of skim milk and butterfat classified.* After making the computations pursuant to § 982.45, the market administrator shall determine the classification of milk received by each handler from producers as follows:

(a) Skim milk shall be allocated in the following manner:

(1) Subtract from the total pounds of skim milk in Class II the pounds of skim milk determined pursuant to § 982.41 (b) (3);

(2) Subtract from the remaining pounds of skim milk in each class, in series beginning with the lowest class (Class II-A milk during the months of February through July and Class II milk during other months) the pounds of skim milk in other source milk received during the month in a form other than milk, skim milk, or cream;

(3) Subtract from the remaining pounds of skim milk in each class, in series beginning with the lowest class (Class II-A milk during the months of February through July and Class II milk during other months) the pounds of skim milk in other source milk received during the month in the form of Class I items;

(4) Subtract from the remaining pounds of skim milk, in series beginning with Class II, the pounds of skim milk contained in the Class I items in inventory at the beginning of the month;

(5) Subtract from the remaining pounds of skim milk in each class the skim milk received from other handlers in the form of milk, skim milk, or cream according to its classification as determined pursuant to § 982.44 (a);

(6) Add to the remaining pounds of skim milk in Class II the pounds of skim milk subtracted pursuant to subparagraph (1) of this paragraph; and

(7) If the remaining pounds of skim milk in all classes exceed the pounds of skim milk received from producers, subtract such excess from the remaining pounds of skim milk in series beginning with the lowest class. Any amount so subtracted shall be called "overage".

(b) Butterfat shall be allocated in accordance with the same procedure outlined for skim milk in paragraph (a) of this section.

(c) Determine the weighted average butterfat content of Class I milk, Class II milk and Class II-A milk computed pursuant to paragraphs (a) and (b) of this section.

MINIMUM PRICES

§ 982.50 *Class I milk.* Subject to the provisions of §§ 982.52 and 982.53 the minimum price per hundredweight to be paid by each handler for milk received

at his plant from producers and classified as Class I milk shall be the price for Class I milk established under Part 943 of this chapter regulating the handling of milk in the North Texas marketing area, plus 25 cents.

§ 982.51 *Class II and Class II-A milk—(a) Class II milk.* Subject to the provisions of § 982.52 the minimum price per hundredweight to be paid by each handler for milk received at his plant from producers and classified as Class II milk shall be the price computed pursuant to subparagraph (1) of this paragraph for the months of April, May and June, and for each of the other months the price computed pursuant to subparagraph (1) of this paragraph or the price computed pursuant to subparagraph (2) of this paragraph, whichever is higher:

(1) The average of the basic or field prices reported to have been paid or to be paid for ungraded milk of 4.0 percent butterfat content received from dairy farmers at the following plants or places for which prices have been reported to the market administrator or to the Department:

Carnation Company, Sulphur Springs, Tex.
The Borden Company, Mount Pleasant, Tex.

Lamar Creamery, Paris, Tex.

(2) The sum of the plus values computed as follows:

(i) From the simple average as computed by the market administrator of the daily wholesale selling prices (using the midpoint of any price range as one price) per pound of Grade A (92-score) butter at Chicago as reported by the Department during the month, subtract 3 cents, add 20 percent thereof and multiply by 4.0;

(ii) From the simple average as computed by the market administrator of the weighted averages of carlot prices per pound for nonfat dry milk solids, spray and roller process respectively for human consumption, f. o. b. manufacturing plants in the Chicago area as published for the period from the 26th day of the preceding month through the 25th day of the current month by the Department deduct 5.5 cents, multiply by 8.5 and multiply by 0.96.

(b) *Class II-A milk.* For the months of February through July, subject to the provisions of § 982.52, the minimum price per hundredweight to be paid by each handler for milk received at his plant from producers and classified as Class II-A milk shall be computed by multiplying by 8.4 the average of the daily prices paid per pound of cheese at Wisconsin primary markets ("Cheddars" f. o. b. Wisconsin assembling points, cars or truckloads) as reported by the Department for the month involved.

§ 982.52 *Butterfat differential to handlers.* If the average butterfat content of the milk of any handler allocated to any class pursuant to § 982.46 is more or less than 4.0 percent, there shall be added to the respective class price, computed pursuant to §§ 982.50 and 982.51, for each one-tenth of one percent that the average butterfat content of such milk is above 4.0 percent, or subtracted

for each one-tenth of one percent that such average butterfat content is below 4.0 percent, an amount equal to the butterfat differential computed by multiplying the simple average, as computed by the market administrator, of the daily wholesale selling price per pound (using the mid-point of any price range as one price) of Grade A (92-score) bulk creamery butter at Chicago, as reported by the Department during the appropriate month, by the applicable factor listed below and dividing the result by 10:

(a) *Class I milk.* Multiply such price for the preceding month by 1.25; and

(b) *Class II and Class II-A milk.* Multiply such price for the current month by 1.10 for the months of March, April, May, and June, and by 1.15 for each of the other months of the year.

§ 982.53 *Location adjustment to handlers.* For milk classified as Class I milk the price set forth in § 982.50 shall be subject to the following adjustments:

(a) For milk received from producers at an approved plant located within 70 highway miles of the United States Post Office in Midland, Texas, such price shall be increased 15 cents;

(b) For milk received from producers at an approved plant located (1) east of the 103d principal meridian, (2) more than 180 highway miles from the United States Post Office in Midland, Texas, and also (3) at the following highway distances from the United States Post Office in Abilene, Texas, such price shall be reduced as follows:

	Cents
More than 70 miles but less than 105 miles.....	20
105 miles or more.....	25

(c) If a handler operates two or more approved plants at which different Class I prices apply, the total milk received by such handler from producers and classified as Class I milk shall be assigned to the milk received from producers at each such plant in the following sequence:

(1) The Class I milk disposed of from each such plant shall be assigned to receipts from producers at such plant to the extent of such receipts;

(2) Class I milk disposed of from any such plant in excess of receipts from producers at such plant shall be assigned to milk received from producers at other approved plants of such handler pro rata to the volumes of producer milk moved to such plant from each such other plant to the extent that milk was so moved; and

(3) Any remaining milk received from producers and classified as Class I milk shall be assigned pro rata to receipts from producers to which Class I milk is not otherwise assigned.

APPLICATION OF PROVISIONS

§ 982.60 *Producer-handlers.* Sections 982.40 through 982.46, 982.50 through 982.53, 982.70 through 982.75, 982.80, 982.81 and 982.90 through 982.99 shall not apply to a producer-handler.

§ 982.61 *Handlers subject to other orders.* In the case of any handler who operates a plant which the Secretary determines disposes of a greater quantity

of milk as Class I milk in another marketing area regulated by another milk marketing agreement or order issued pursuant to the Act than in this marketing area, the provisions of this part shall not apply with respect to the operations of such plant, except as follows:

(a) The handler shall, with respect to his total receipts of skim milk and butterfat, make reports to the market administrator at such time and in such manner as the market administrator may require and allow verification of such reports by the market administrator.

§ 982.62 *Handlers operating unapproved plants from which Class I milk is disposed of in the marketing area.* In the case of any handler described in § 982.9 (b) who is not subject to the provisions of § 982.61, the reporting, pricing and payment provisions of this part shall apply only as follows:

(a) The handler shall report as required pursuant to §§ 982.30 and 982.31, reporting receipts from and payments to dairy farmers in lieu of such information with respect to producers, and shall allow verification of such reports pursuant to § 982.33;

(b) With respect to either all skim milk and butterfat disposed of as Class I milk during the month on routes operated wholly or partially within the marketing area or only the skim milk and butterfat disposed of as Class I milk on routes within the marketing area if the handler maintains and makes available to the market administrator the facilities and records (including the accounts of individual sales outlets) necessary to verify and establish such disposition, the handler shall pay to the market administrator on or before the 25th day after the end of the month, any plus difference between:

(1) The value of such skim milk or butterfat at the Class I price which would be applicable at an approved plant thus located; and

(2) The value of such skim milk and butterfat at the price paid dairy farmers by such handler for milk received at the unapproved plant from them during the month, adjusted by the method used in computing payments to such dairy farmers to the average butterfat test of Class I milk disposed of in the marketing area: *Provided*, That if such handler has paid more than one such price, the lowest price(s) paid for an equivalent volume of milk shall be used in this computation; and

(c) As his pro rata share of the expense of administration of this part, the handler shall pay to the market administrator, with respect to all Class I milk disposed of on routes in the marketing area, an amount per hundredweight and in the manner specified in § 982.98.

DETERMINATION OF UNIFORM PRICE

§ 982.70 *Computation of value of milk.* For each month, the market administrator shall compute the value of producer milk for each handler as follows:

(a) Multiply the quantity of producer milk in each class computed pursuant

to § 982.46 by the applicable class price and add together the resulting amounts;

(b) Add an amount computed by multiplying the pounds of any overage deducted from either class pursuant to § 982.46 (a) (7) and (b) by the applicable class price;

(c) Add the amount computed by multiplying the difference between the applicable Class II price for the preceding month and the applicable Class I price for the current month by the hundredweight of skim milk and butterfat subtracted from Class I pursuant to § 982.46 (a) (4) and the corresponding step of paragraph (b); and

(d) If any other source milk has been subtracted from Class I pursuant to § 982.46 (a) (2) and the corresponding step of paragraph (b), add an amount equal to its value computed at the difference between the applicable Class I and Class II price for the current month.

§ 982.71 *Computation of aggregate value used to determine price(s).* For each month the market administrator shall compute an aggregate value from which to determine the uniform price(s) per hundredweight for milk of 4.0 percent butterfat content received from producers as follows:

(a) Combine into one total the values computed pursuant to § 982.70 for all handlers who made the reports prescribed in § 982.30 and who made payments pursuant to §§ 982.90 and 982.94 for the preceding month;

(b) Subtract the aggregate of the values of all plus location adjustments to producers pursuant to § 982.91, and add the aggregate of the values of all such minus adjustments;

(c) Add not less than one-half of the unobligated cash balance on hand in the producer-settlement fund; and

(d) Subtract if the average butterfat content of the milk included in these computations is greater than 4.0 percent, or add if such average butterfat content is less than 4.0 percent, an amount computed by multiplying the amount by which the average butterfat content of such milk varies from 4.0 percent by the butterfat differential computed pursuant to § 982.92 and multiplying the resulting figures by the total hundredweight of such milk.

§ 982.72 *Computation of uniform price.* For each of the months of July through February the market administrator shall compute the uniform price per hundredweight for all milk of 4.0 percent butterfat content received at an approved plant as follows:

(a) Divide the aggregate value computed pursuant to § 982.71 by the total hundredweight of milk included in such computation; and

(b) Subtract not less than 4 cents nor more than 5 cents.

§ 982.73 *Computation of uniform prices for base and excess milk.* For each of the months of March through June the market administrator shall compute the uniform prices per hundredweight for base and excess milk each of 4.0 percent butterfat content received from producers at an approved plant as follows:

(a) Compute the total value of excess milk included in these computations by (1) multiplying the total volume of Class II-A milk by the price for Class II-A milk, (2) subtracting the total quantity of Class II-A milk from the total volume of excess milk and multiplying the remainder by the Class II price, (3) adding together the values obtained in subparagraphs (1) and (2) of this paragraph, and (4) adding the amount, if any, by which the value computed pursuant to paragraph (c) (1) of this section exceeds the value computed pursuant to paragraph (c) (2) of this section;

(b) Divide the total value of excess milk obtained in paragraph (a) of this section by the total hundredweight of such milk, and adjust to the nearest cent. The resulting figure shall be the uniform price for excess milk of 4.0 percent butterfat received from producers;

(c) The total value of base milk included in these computations shall be the lesser of:

(1) The aggregate value computed pursuant to § 982.71 less the value computed pursuant to paragraph (a) (1) of this section, or

(2) The hundredweight of such base milk multiplied by the price for Class I milk of 4.0 percent butterfat content plus 4 cents;

(d) Divide the amount obtained in paragraph (c) of this section by the total hundredweight of base milk included in these computations;

(e) Subtract not less than 4 cents nor more than 5 cents from the amount computed pursuant to paragraph (d) of this section. The resulting figure shall be the uniform price for base milk of 4.0 percent butterfat content received from producers.

DETERMINATION OF BASE

§ 982.80 *Computation of daily average base for each producer.* For the months of March through June of each year the market administrator shall compute a daily average base for each producer as follows, subject to the rules set forth in § 982.81, by dividing the total pounds of milk received by a handler(s) from such producer during the immediately preceding base-forming period of September through December, by the number of days from the first day for which such producer made deliveries during such period to the last day of such period, less the number of days for which no deliveries are made, or by 112, whichever is more.

§ 982.81 *Base rules.* (a) Subject to the provisions of paragraph (b) of this section, the market administrator shall assign a base as calculated pursuant to § 982.80 to each person for whose account producer milk was delivered to a handler(s) during the base-forming period;

(b) An entire base shall be transferred from a person holding such base to any other person effective as of the beginning of the month next following the receipt by the market administrator of an application for such transfer, such application to be on forms approved by the market administrator and signed by the baseholder, or his heirs, or assigns and

by the person to whom such base is to be transferred: *Provided*, That if a base is held jointly, the entire base shall be transferrable only upon the receipt of such application signed by all joint holders or their heirs, or assigns.

PAYMENTS

§ 982.90 *Time and method of payment.* Each handler shall make payment as follows:

(a) On or before the 15th day after the end of the month during which the milk was received, to each producer for whom payment is not made pursuant to paragraph (c) of this section, at not less than the applicable uniform price(s) for such month computed pursuant to § 982.72 or § 982.73, adjusted by the butterfat differential computed pursuant to § 982.92, subject to location adjustments to producers pursuant to § 982.91, and less the amount of the payment made pursuant to paragraph (b) of this section: *Provided*, That if by such date such handler has not received full payment pursuant to § 982.95, he may reduce his total payments to all producers uniformly by not less than the amount of reduction in payments from the market administrator; he shall, however, complete such payments pursuant to this paragraph not later than the date for making such payments next following receipt of the balance from the market administrator.

(b) On or before the 25th day of each month, to each producer for whom payment is not made pursuant to paragraph (c) of this section for milk received during the first 15 days of such month at not less than the Class II price of the preceding month.

(c) On or before the 13th and 23d days of each month, in lieu of payments pursuant to paragraphs (a) and (b), respectively, of this section, to a cooperative association which so requests, with respect to producers for whose milk such cooperative association is authorized to collect payment, an amount equal to the sum of the individual payments otherwise payable to such producer. Such payment shall be accompanied by a statement showing for each producer the items required to be reported pursuant to § 982.31.

§ 982.91 *Location adjustments to producers.* (a) In making payments to producers pursuant to § 982.90 the following adjustments shall apply to the uniform price for all milk computed pursuant to § 982.72 or to the uniform price for base milk computed pursuant to § 982.73 (e):

(1) For milk received from producers at an approved plant located within 70 highway miles of the United States Post Office in Midland, Texas, each handler shall add 15 cents;

(2) For milk received from producers at an approved plant located (i) east of the 103d principal meridian (ii) more than 180 highway miles from the United States Post Office in Midland, Texas, and, also (iii) at the following distances from the United States Post Office in Abilene, Texas, each handler may deduct the applicable amounts set forth below:

	Cents
More than 70 miles but less than 105	20
105 miles or more	25

(b) The location adjustment applicable with respect to excess milk shall be computed as follows:

(1) Subtract from the total amount of Class I milk allocated to producer milk pursuant to § 982.46 the total volume of base milk received by all handlers;

(2) Divide the result by the total volume of excess milk received by all handlers; and

(3) Multiply by the rate of location adjustment applicable for base milk received at the same location and round to the nearest cent.

§ 982.92 *Producer butterfat differential.* In making payments pursuant to § 982.90 (a), there shall be added to or subtracted from the uniform price for each one-tenth of one percent that the average butterfat content of the milk received from the producer is above or below 4.0 percent, an amount computed by multiplying by 1.2 the simple average, as computed by the market administrator of the daily wholesale selling prices per pound (using the mid-point of any price range as one price) of Grade A (92-score) bulk creamery butter at Chicago as reported by the Department during the month when such milk was received, dividing the resulting sum by 10, and rounding to the nearest one-tenth of a cent.

§ 982.93 *Producer-settlement fund.* The market administrator shall establish and maintain a separate fund known as the "producer-settlement fund," into which he shall deposit all payments made by handlers pursuant to §§ 982.62 (b), 982.94 and 982.96, and out of which he shall make all payments to handlers pursuant to §§ 982.95 and 982.96.

§ 982.94 *Payments to the producer-settlement fund.* On or before the 13th day after the end of the month during which the milk was received, each handler, including a cooperative association which is a handler, shall pay to the market administrator the amount, if any, by which the value of the milk received by such handler from producers as determined pursuant to § 982.70 is greater than the amount required to be paid producers by such handler pursuant to § 982.90.

§ 982.95 *Payments out of the producer-settlement fund.* On or before the 14th day after the end of the month during which the milk was received, the market administrator shall pay to each handler, including a cooperative association which is a handler, the amount, if any, by which the value of the milk received by such handler from producers during the month as determined pursuant to § 982.70 is less than the amount required to be paid producers by such handler pursuant to § 982.90: *Provided*, That if the balance in the producer-settlement fund is insufficient to make all payments pursuant to this section, the market administrator shall reduce uniformly such payments and shall complete such payments as soon as the necessary funds are available.

§ 982.96 *Adjustment of accounts.* Whenever audit by the market administrator of any handler's reports, books,

records, or accounts discloses errors resulting in moneys due;

(a) The market administrator from such handler;

(b) Such handler from the market administrator; or

(c) Any producer or cooperative association from such handler, the market administrator shall promptly notify such handler of any amount so due and payment thereof shall be made on or before the next date for making payments set forth in the provisions under which such error occurred.

§ 982.97 *Marketing services.* (a) Except as set forth in paragraph (b) of this section, each handler, in making payments to producers (other than himself) pursuant to § 982.90 (a), shall deduct 5 cents per hundredweight or such amount not exceeding 5 cents per hundredweight as may be prescribed by the Secretary, and shall pay such deductions to the market administrator on or before the 15th day after the end of each month. Such moneys shall be used by the market administrator to sample, test, and check the weights of milk received and to provide producers with market information.

(b) In the case of producers for whom a cooperative association is actually performing, as determined by the Secretary, the services set forth in paragraph (a) of this section, each handler shall make, in lieu of the deduction specified in paragraph (a) of this section, such deductions from the payments to be made to such producers as may be authorized by the membership agreement or marketing contract between such cooperative association and such producers and on or before the 15th day after the end of each month pay such deduction to the cooperative association rendering such services, accompanied by a statement showing the quantity of milk for which such deduction was computed for each such producer.

§ 982.98 *Expenses of administration.* As his pro rata share of the expense of administration of this part, each handler shall pay to the market administrator on or before the 15th day after the end of each month, 4 cents per hundredweight or such amount not exceeding 4 cents per hundredweight as the Secretary may prescribe with respect to all receipts within the month of (a) other source milk which is classified as Class I milk, (b) milk from producers, including such handler's own production, and (c) milk received from a cooperative association in its capacity as a handler pursuant to § 982.9 (c).

§ 982.99 *Termination of obligation.* The provisions of this section shall apply to any obligation under this part for the payment of money.

(a) The obligation of any handler to pay money required to be paid under the terms of this part shall, except as provided in paragraphs (b) and (c) of this section, terminate two years after the last day of the calendar month during which the market administrator receives the handler's utilization report on the milk involved in such obligation, unless within such two-year period the market

administrator notifies the handler in writing that such money is due and payable. Service of such notice shall be complete upon mailing to the handler's last known address, and it shall contain but need not be limited to, the following information:

(1) The amount of the obligation;

(2) The month (s) during which the milk, with respect to which the obligation exists, was received or handled; and

(3) If the obligation is payable to one or more producers or to an association of producers the name of such producer(s) or association of producers, or if the obligation is payable to the market administrator, the account for which it is to be paid.

(b) If a handler fails or refuses, with respect to any obligation under this part, to make available to the market administrator or his representatives all books and records required by this part to be made available, the market administrator may, within the two-year period provided for in paragraph (a) of this section, notify the handler in writing of such failure or refusal. If the market administrator so notifies a handler, the said two-year period with respect to such obligation shall not begin to run until the first day of the calendar month following the month during which all such books and records pertaining to such obligation are made available to the market administrator or his representatives.

(c) Notwithstanding the provisions of paragraphs (a) and (b) of this section, a handler's obligation under this part to pay money shall not be terminated with respect to any transaction involving fraud or willful concealment of a fact material to the obligation, on the part of the handler against whom the obligation is sought to be imposed.

(d) Any obligation on the part of the market administrator to pay a handler any money which such handler claims to be due him under the terms of this part shall terminate two years after the end of the calendar month during which the milk involved in the claim was received if an underpayment is claimed, or two years after the end of the calendar month during which the payment (including deduction or set-off by the market administrator) was made by the handler if a refund on such payment is claimed, unless such handler, within the applicable period of time, files, pursuant to 8 (c) (15) (A) of the act, a petition claiming such money.

EFFECTIVE TIME, SUSPENSION OR TERMINATION

§ 982.100 *Effective time.* The provisions of this part or any amendment to this part shall become effective at such time as the Secretary may declare and shall continue in force until suspended or terminated, pursuant to § 982.101.

§ 982.101 *Suspension or termination.* The Secretary may suspend or terminate this part or any provision of this part whenever he finds this part or any provision of this part obstructs or does not tend to effectuate the declared policy of the act. This part shall terminate in any event whenever the provisions of

the act authorizing it cease to be in effect.

§ 982.102 *Continuing power and duty of the market administrator.* If upon the suspension or termination of any or all provisions of this part, there are any obligations thereunder, the final accrual or ascertainment of which requires further acts by any person (including the market administrator), such further acts shall be performed notwithstanding such suspension or termination.

§ 982.103 *Liquidation.* Upon the suspension or termination of the provisions of this part, except this section, the market administrator, or such other liquidating agent as the Secretary may designate, shall, if so directed by the Secretary, liquidate the business of the market administrator's office, dispose of all property in his possession or control, including accounts receivable, and execute and deliver all assignments or other instruments necessary or appropriate to effectuate any such disposition. If a liquidating agent is so designated, all assets, books, and records of the market administrator shall be transferred promptly to such liquidating agent. If upon such liquidation, the funds on hand exceed the amounts required to pay outstanding obligations of the office of the market administrator and to pay necessary expenses of liquidation and distribution, such excess shall be distributed to contributing handlers and producers in an equitable manner.

MISCELLANEOUS PROVISIONS

§ 982.110 *Agents.* The Secretary may, by designation in writing, name any officer or employee of the United States to act as his agent or representative in connection with any of the provisions of this part.

§ 982.111 *Separability of provisions.* If any provision of this part or its application to any person or circumstances, is held invalid, the application of such provision and the remaining provisions of this part to other persons or circumstances, shall not be affected thereby.

Issued at Washington, D. C., this 28th day of January 1958 to be effective on and after February 1, 1958.

[SEAL]

DON PAARLBERG,
Assistant Secretary.

[F. R. Doc. 58-780; Filed Jan. 30, 1958; 8:52 a. m.]

TITLE 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[Docket 6824]

PART 13—DIGEST OF CEASE AND DESIST ORDERS

RODNEY, INC., ET AL.

Subpart—*Advertising falsely or misleadingly:* § 13.70 *Fictitious or misleading guarantees;* § 13.155 *Prices:* Exaggerated as regular and customary; usual as reduced, special, etc.

(Sec. 6, 38 Stat. 721; 15 U. S. C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; 15

U. S. C. 45) [Cease and desist order, Rodney, Inc., et al., Chicago, Ill., Docket 6824, Dec. 28, 1957]

In the Matter of Rodney, Inc., a Corporation, and Irwin Ratner, Joseph Wandel and Joseph Ratner, Individually and as Officers of Said Corporation

This proceeding was heard by a hearing examiner on the complaint of the Commission charging sellers in Chicago with advertising falsely in newspapers that greatly exaggerated and fictitious prices were the usual retail prices for their sewing machines and that the difference between such prices and the advertised prices represented savings to purchasers; and that the machines carried a "25-Year Guarantee" or "Lifetime Guarantee" when in fact the electrical parts were guaranteed for only one year and other parts not at all.

Following approval of an agreement between the parties containing consent order, the hearing examiner made his initial decision and order to cease and desist which became on December 28 the decision of the Commission.

The order to cease and desist is as follows:

It is ordered, That respondents Rodney, Inc., a corporation, and its officers, and Irwin Ratner and Joseph Wandel, individually and as officers of said corporation, and respondents' agents, representatives and employees, directly or through any corporate or other device, in connection with the offering for sale, sale or distribution of sewing machines or other products in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from, directly or indirectly:

1. Representing that certain amounts are respondents' regular and customary retail prices of their products when such amounts are in excess of the prices at which such products are regularly and customarily sold by respondents at retail;

2. Representing any savings are afforded on the sale of their products unless the represented savings are based upon the price at which such products offered are regularly and customarily sold in the normal course of business;

3. Representing that their products are guaranteed for any period of time or in any other manner unless the nature and extent of the guarantee and the manner in which the guarantor will perform thereunder are clearly and conspicuously disclosed.

It is further ordered, That the complaint be, and it is hereby, dismissed as to respondent Joseph Ratner.

By "Decision of the Commission", etc., report of compliance was required as follows:

It is ordered, That respondents Rodney, Inc., a corporation, and Irwin Ratner and Joseph Wandel, individually and as officers of said corporation, shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing, setting forth in detail the manner and form in which

they have complied with the order to cease and desist.

Issued: December 27, 1957.

By the Commission.

[SEAL] ROBERT M. PARRISH,
Secretary.

[F. R. Doc. 58-729; Filed, Jan. 30, 1958; 8:46 a. m.]

[Docket 6861]

PART 13—DIGEST OF CEASE AND DESIST ORDERS

HARLEY BELT CO., INC., ET AL.

Subpart—*Furnishing means and instrumentalities of misrepresentation or deception*: § 13.1056 *Preticketing merchandise misleadingly*. Subpart—*Misbranding or mislabeling*: § 13.1280 *Price*. Subpart—*Misrepresenting oneself and goods*—Prices: § 13.1811 *Fictitious preticketing*.

(Sec. 6, 38 Stat. 721; 15 U. S. C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; 15 U. S. C. 45) [Cease and desist order, Harley Belt Co., Inc., et al., New York, N. Y., Docket 6861, Dec. 21, 1957]

In the Matter of Harley Belt Co., Inc., a Corporation, Harry Liebovitz, and Louis B. Fox, Individually and as Officers of Said Corporation

This proceeding was heard by a hearing examiner on the complaint of the Commission charging a manufacturer in New York City with preticketing ladies', men's, and boys' belts with fictitious and exaggerated prices, thereby placing in the hands of retailers means of misleading the purchasing public as to the usual retail price.

Following acceptance of an agreement between the parties containing a consent order, the hearing examiner made his initial decision and order to cease and desist which became on December 21 the decision of the Commission.

The order to cease and desist is as follows:

It is ordered, That respondents Harley Belt Co., Inc., a corporation, and its officers, and Harry Liebovitz and Louis B. Fox, individually and as officers of said corporation, and respondents' representatives, agents and employees, directly or through any corporate or other device, in connection with the offering for sale, sale, or distribution in commerce, as "commerce" is defined in the Federal Trade Commission Act, of belts or other products, do forthwith cease and desist from:

1. Representing, by preticketing or in any other manner, that certain amounts are the usual and regular retail prices for their products, when such amounts are in excess of the prices at which their products are usually and regularly sold at retail.

2. Putting into operation any plan whereby retailers or others may misrepresent the regular and usual retail price of their products.

By "Decision of the Commission", etc., report of compliance was required as follows:

It is ordered, That the respondents herein shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with the order to cease and desist.

Issued: December 20, 1957.

By the Commission.

[SEAL] ROBERT M. PARRISH,
Secretary.

[F. R. Doc. 58-728; Filed, Jan. 30, 1958; 8:46 a. m.]

TITLE 19—CUSTOMS DUTIES

Chapter I—Bureau of Customs, Department of the Treasury

[T. D. 54523]

PART 8—LIABILITY FOR DUTIES; ENTRY OF IMPORTED MERCHANDISE

APPRAISEMENT OF MERCHANDISE

The decision has been made that the appraiser of merchandise should know of and have opportunity to cause examination packages to be designated from subsequently entered portions of a zone lot invoiced to be of uniform character and value.

To provide for this § 8.22 (b) of the Customs Regulations is amended to read as follows:

(b) When a portion of a zone lot of nonprivileged foreign merchandise, covered by one invoice, the contents and value of packages of which are uniform or the merchandise is identical as to character and value although differing as to quantity and aggregate value per package, has been entered and packages or quantities thereof have been designated for examination for customs purposes, the collector with the concurrence of the appraiser may, if they consider an examination unnecessary, permit subsequent entries for consumption from such zone lot of merchandise to be made by the same importer at the same port of entry on the basis of the first examination. Each subsequent entry of a portion of such a zone lot of merchandise shall identify the first consumption entry made by the importer of a portion of the lot. (Sec. 499, 46 Stat. 728, as amended; 19 U. S. C. 1499).

(Sec. 624, 46 Stat. 759; 19 U. S. C. 1624)

[SEAL] L. B. STRUBINGER,
Acting Commissioner of Customs.

Approved: January 24, 1958.

A. GILMORE FLUES,
Acting Secretary of the Treasury.

[F. R. Doc. 58-737; Filed, Jan. 30, 1958; 8:48 a. m.]

TITLE 32—NATIONAL DEFENSE

Chapter V—Department of the Army

Subchapter F—Personnel

PART 577—MEDICAL AND DENTAL ATTENDANCE

PERSONS ELIGIBLE FOR TREATMENT; MISCELLANEOUS AMENDMENTS

Section 577.15 is amended by changing paragraphs (d) (4), (f), (g), (o); (s) (1) (vii), (s) (2) (iv), and (w) (2), and by adding new paragraph (w-1) to read as follows:

§ 577.15 *Persons eligible to receive medical care at Army medical treatment facilities.* * * *

(d) *General restrictions.* * * *

(4) *Domiciliary care.* Admission of persons requiring merely domiciliary care is not authorized except for personnel listed in paragraph (e) of this section.

(f) *Reserve components and National Guard on active duty for training pursuant to a call or order that specifies a period of 30 days or less—(1) Army Reserve and Army National Guard.* For conditions under which members of the Army Reserve and officers, warrant officers, and enlisted men of the federally recognized Army National Guard of the several States, Territories, and the District of Columbia, and the Army National Guard of the United States are provided medical care, the provisions of paragraphs 11 and 12, AR 40-101 (Administrative regulations pertaining to medical care) respectively, apply.

(2) *Navy and Marine Corps reservists.* Navy and Marine Corps reservists provided that any personnel in this category will be transferred to a Naval medical treatment facility prior to termination of such duty if there is a possibility that continuation of hospitalization may be necessary subsequent to termination of such duty and if the condition of the patient permits transfer. For conditions under which Navy and Marine Corps reservists are provided medical care, the provisions of paragraph 11, AR 40-101 apply.

(3) *Air Force Reserve and Air Force National Guard.* The provisions of paragraphs 11 and 12, AR 40-101, respectively, concerning conditions under which members of the Army Reserve and Army National Guard are provided medical care are applicable to members of the Air Force Reserve, Air Force National Guard, and Air Force National Guard of the United States.

(4) *Coast Guard Reserve and Public Health Service Reserve.* The provisions of paragraph 11, AR 40-101, concerning conditions under which members of the Army Reserve are provided medical care are applicable to members of the Coast Guard Reserve and Public Health Service Reserve.

(5) *Furnishing of certain adjuncts.* Prosthetic devices, prosthetic dental appliances, hearing aids, spectacles, orthopedic footwear, and routine dental treatment will be furnished the personnel in subparagraphs (1), (2), (3), and

(4), of this paragraph, for conditions which are disabling and the result of personal injury suffered or disease contracted in line of duty; dental care for other conditions will be limited to emergency treatment. When the unit commanders of the personnel listed in subparagraphs (1), (2), (3), and (4) of this paragraph determine that spectacles were not damaged or lost through negligence on the part of the individual concerned, repair or replacement of spectacles is authorized under normal outpatient care at no expense to the individual.

(g) *Reserve Officers' Training Corps.* Prosthetic devices, prosthetic dental appliances, spectacles, and routine dental treatment will be furnished members of the Army, Navy, and Air Force Reserve Officers' Training Corps only for conditions which are disabling and the result of personal injury suffered or disease contracted in line of duty. Dental care for other conditions will be limited to emergency treatment.

(o) *Persons in military custody and nonmilitary Federal prisoners.* (1) Prisoners of war and internees: Prosthetic devices, prosthetic dental appliances, and spectacles will be furnished prisoners of war and internees as required by the Geneva Conventions of 1949.

(2) Military prisoners whose punitive discharge has been executed but whose sentence has not expired, and nonmilitary persons awaiting trial by court-martial or serving sentence as a result thereof.

(3) Prisoners hospitalized beyond expiration date of sentence: A military prisoner whose punitive discharge has been executed and a nonmilitary person serving sentence as a result of court-martial may be hospitalized beyond expiration date of his sentence until disposition can be made to some other medical facility.

(4) Nonmilitary Federal prisoners: There is no authority for Army medical treatment facilities to accept custody of a nonmilitary Federal prisoner and therefore only emergency medical care may be authorized. When treatment is furnished on an emergency basis, the institution to which the prisoner is sentenced must furnish the necessary guards to control the prisoner and prevent his escape. Under no circumstances will military personnel be utilized to guard or control the prisoner. Upon completion of emergency medical care, arrangements for transfer to another medical facility or return of the prisoner will be made with the appropriate official of the institution to which the prisoner is sentenced.

(s) *Nationals of foreign governments, excluding specific categories of Canadian personnel listed in paragraph (t) of this section.* (1) Nationals of foreign governments within the continental United States to include the following:

(vii) Dependents of personnel listed above when they are residing with their principals, except dependents of civilian

MAP trainees. (The term "dependents" will be construed to mean those individuals included in the definition of the term "dependent" appearing in § 577.62.

(2) The following policies will govern the furnishing of medical care to nationals of foreign governments (hereinafter referred to as foreign personnel):

(iv) *The transfer of foreign personnel between overseas commands and the continental United States solely for the purpose of providing medical care in Army medical treatment facilities is not authorized, except under unusual circumstances as determined by the Secretary of the Army.* The United States Army Attaché in the country concerned is responsible for effecting through diplomatic channels such coordination as may be necessary with the local government and, when necessary, interested agencies will request the Attaché to render such administrative assistance as may be within his capabilities.

(w) *Civilian employees.* * * *

(2) *Civilian employees of the Army, Navy, Air Force, and Office of Secretary of Defense (not beneficiaries of the Bureau of Employees' Compensation) and their dependents.* Civilian employees of the Army, Navy, Air Force, and Office of Secretary of Defense paid from either appropriated or nonappropriated funds, and their dependents (including librarians and service club personnel appointed under authority of AR 28-85 and AR 28-125 (Administrative regulations of the Army)) outside the continental United States and at military installations in the continental United States which have been designated as remote by the Secretary of the Army for the purpose of providing medical care. The term "dependents" will be construed to mean those individuals included in the definition of the term "dependent" appearing in § 577.62. Charges for inpatient care will be at the reciprocal rate for the applicable fiscal year, except in those overseas areas and remote areas within the continental United States where the Secretary of the Army has authorized the special interim per diem rate. No charge is made for immunizations and reimmunizations which are required.

(w-1) *Boy Scouts of America.* Members of the Boy Scouts of America who suffer illness or injury while participating in visits, training exercises, and encampments at Department of the Army installations. Charges for hospitalization will be at the reciprocal rate for the applicable fiscal year; no charge will be made for outpatient care.

[C1, AR 40-108, 18 June 1957, and C2, 10 January 1958] (Sec. 3012, 70A Stat. 157; 10 U. S. C. 3012)

[SEAL] HERBERT M. JONES,
Major General, U. S. Army,
The Adjutant General.

[F. R. Doc. 58-724; Filed, Jan. 30, 1958; 8:45 a. m.]

TITLE 47—TELECOMMUNICATION

Chapter I—Federal Communications Commission

[Docket No. 12169]

[Rules Amdt. 16-23]

PART 16—LAND TRANSPORTATION RADIO SERVICES

MISCELLANEOUS AMENDMENTS

The Commission having under consideration the First Report and Order in the above-entitled matter (FCC 57-1393) adopted December 18, 1957; and

It appearing that under the terms of the subject Report and Order, Part 2 of the Commission's rules was amended as set forth therein, and that Parts 6, 7, 8, 9, 10, 11, and 16 of such rules were amended to conform to the frequency-availability changes indicated therein, the formal codification of such latter changes to be accomplished by subsequent orders of the Commission; and

It further appearing that the formal codification of the changes herein ordered in Part 16 of the Commission's rules conforms, without any substantive change, to the frequency-availability changes already ordered in the text and tabulations of the Report and Order above-described, and are, therefore, editorial in nature, requiring no further public notice of rule making thereon; and

It further appearing, that the amendments to Part 16 ordered herein should be made effective on the same date as the basic amendments to Part 2 of the Commission's rules; and

It further appearing that authority for the amendments herein ordered is contained in sections 4 (i) and 303 of the Communications Act of 1934, as amended, and section 0.341 of the Commission's Statement of Delegation of Authority;

It is ordered, This 27th day of January 1958, that effective April 1, 1958, Part 16 of the Commission's rules, Land Transportation Radio Services, is amended as set forth below.

(Sec. 4, 48 Stat. 1066, as amended; 47 U. S. C. 154. Interprets or applies sec. 303, 48 Stat. 1082, as amended; 47 U. S. C. 303)

Released: January 27, 1958.

FEDERAL COMMUNICATIONS COMMISSION,

[SEAL] MARY JANE MORRIS,
Secretary.

1. Amend the table of frequencies appearing in § 16.252 (a) to read as follows:

Mc	Mc	Mc	Mc
43.70	43.74	43.78	43.82
*43.72	*43.76	*43.80	*43.84

*Secondary frequency, see § 16.8 (f).

2. Amend the table of frequencies appearing in § 16.252 (b) to read as follows:

Mc	Mc	Mc	Mc
44.46	44.50	44.54	44.58
*44.48	*44.52	*44.56	*44.60

*Secondary frequency, see § 16.8 (f).

3. Amend the table of frequencies appearing in § 16.252 (d) to read as follows:

Mc	Mc	Mc	Mc
43.86	44.02	44.18	*44.32
*43.88	*44.04	*44.20	44.34
43.90	44.06	44.22	*44.36
*43.92	*44.08	*44.24	44.38
43.94	44.10	44.26	*44.40
*43.96	*44.12	*44.28	44.42
43.98	44.14	44.30	*44.44
*44.00	*44.16		

*Secondary frequency, see § 16.8 (f).

4. Amend § 16.503 by the addition of the following new paragraphs:

(c) The following frequencies are available for assignment to base stations and to mobile stations, other than those aboard aircraft, which are operated by or on behalf of associations of owners of private automobiles; provided, that the equipment to be used shall immediately meet the technical standards which be-

come generally effective November 1, 1963:

Mc
150.905
150.935
150.965

(d) The following frequencies are available for assignment to base stations and to mobile stations, other than those aboard aircraft, which are operated by or on behalf of public garages; provided, that the equipment to be used shall immediately meet the technical standards which become generally effective November 1, 1963; and provided further, that only one of these frequencies shall be assigned to the stations of any single licensee operating in a given area:

Mc
150.815
150.845
150.875

[F. R. Doc. 58-738; Filed, Jan. 30, 1958; 8:48 a. m.]

PROPOSED RULE MAKING

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 917]

[Docket No. AO-248-A2]

MILK IN BLACK HILLS, S. DAK., MARKETING AREA

DECISION WITH RESPECT TO PROPOSED AMENDMENTS TO TENTATIVE MARKETING AGREEMENT AND TO ORDER

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held at Rapid City, South Dakota, on July 9, 1957, pursuant to notice thereof issued on June 18, 1957 (22 F. R. 4396).

Upon the basis of the evidence introduced at the hearing and the record thereof, the Acting Deputy Administrator, Agricultural Marketing Service, on December 3, 1957 (22 F. R. 9743) filed with the Hearing Clerk, United States Department of Agriculture, his recommended decision containing notice of the opportunity to file written exceptions thereto.

The material issues on the record of the hearing related to:

1. Expansion of the marketing area;
2. Qualifications for attaining pool plant status;
3. Revision of the producer-handler definition;
4. Classification of skim milk and butterfat in inventory;
5. Application of location differentials on class prices and in paying producers;
6. Payments on unpriced milk disposed of in the marketing area from nonpool plants; and

7. Miscellaneous administrative and conforming changes.

Findings and conclusions. The following findings and conclusions on the material issues are based on evidence presented at the hearing and the record thereof:

1. The marketing area should include all the territory within the boundaries of Custer, Fall River, Lawrence and Pennington Counties, the cities of Belle Fourche and Sturgis, the Ellsworth Air Base and the Veterans Administration Hospital at Fort Meade, all in the State of South Dakota. At the present time, the marketing area is limited to Lawrence County, the cities of Belle Fourche, Custer, Rapid City and Sturgis, the Ellsworth Air Base and the Veterans Administration Hospital at Fort Meade. The change herein recommended would add to the present marketing area all the territory in Pennington County outside Rapid City, the territory in Custer County outside the city of Custer, and all the territory in Fall River County.

Rapid City is the largest city in the present marketing area. Its population, which was 25,000 in 1950, is estimated to be 40,000 at present. The population of Hot Springs in Fall River County, the largest city which would be added by expansion of the marketing area, was 5,000 in 1950. Population of the proposed marketing area was approximately 70,000 in 1950.

From May through September of each year the inflow of vacationers and tourists to the many popular attractions and resort areas in the Black Hills tends to increase the demand for milk during these months as much as 25 percent above that for other months. Besides the sales to the customary retail and wholesale outlets, substantial quantities of milk are sold throughout the year to the many governmental and other institutional establishments in the area,

which include the Ellsworth Air Base, Veteran's Administration Hospitals at Fort Meade and at Hot Springs, State Soldiers Home at Hot Springs, the State Tuberculosis Hospital at Sanator in Custer County and the Army installation at Igloo in Fall River County.

Handlers now regulated by the order are the principal distributors throughout the proposed enlarged marketing area. Other handlers who sell milk in the territory proposed to be added to the present marketing area are the Kilmer Dairy of Lusk, Wyoming, the Hot Springs Milk Company of Hot Springs, and Staska Dairy of Chadron, Nebraska. It is expected that sales by the Kilmer Dairy and Hot Springs Milk Company in the marketing area would qualify them as pool plants fully subject to the provisions of the order. The limited sales now made by Staska Dairy in the marketing area would not qualify it as a pool plant, but would subject it to partial regulation as a nonpool plant because some milk is distributed in the proposed marketing area.

Although a large part of its distribution business is in Wyoming, the Kilmer Dairy disposes of Class I milk on routes in various places in the proposed marketing area, including the cities of Hot Springs, Custer, Edgemont and Igloo. This handler has become an important competitor of regulated handlers for markets in Custer and Fall River Counties, and at the time of the hearing held the contract for supplying Grade A milk and milk products to the Veteran's Administration Hospital in Hot Springs.

The Hot Springs Milk Company, from whose plant milk is distributed in Hot Springs, Edgemont and in various smaller communities throughout the Fall River County, receives milk from two independent producers and the balance of its supply from producer members of the Black Hills Milk Producers Cooperative of Rapid City.

The only distribution in the proposed marketing area from the plant of the Staska Dairy in Chadron, Nebraska, is in Oelrichs in Fall River County.

The marketing area herein recommended is the same as that proposed by producers. Handlers now regulated by the order testified at the hearing in support of the enlarged marketing area. The owner of Hot Springs Milk Company, the principal handler in the new territory to be added to the marketing area, presented testimony in support of adding Fall River County to the marketing area. No testimony was presented in opposition to the proposal to enlarge the marketing area.

Handlers now regulated by the order are at a disadvantage in competing with unregulated handlers in the various places throughout the area wherein they are, and have been, the principal distributors. While regulated handlers are required to pay the order's Class I prices for milk for fluid use and maintain an adequate supply of milk for the market on a year-round basis, unregulated handlers may frequently obtain milk at prices approximating the blend prices or manufacturing prices under the order for milk disposed of for Class I uses. This is possible especially during the

periods of flush production. During such periods milk from the plants of unregulated handlers may displace producer milk by underbidding on contracts to supply the Grade A milk requirements of the expanded summer resort business, governmental establishments, and other institutions. The loss of such sales to handlers who generally supply the various contracts on a year-round basis and who maintain supplies of producer milk on an annual basis in order to serve the needs of summer resort business results in local producer milk being displaced from its usual Class I markets.

At the time producers requested a hearing to consider regulation, which resulted in promulgation of the present order, Grade A ordinances were not consistently prevalent throughout the area. Hot Springs, for example, had no Grade A ordinance at that time and it is for this reason that producers then had not requested the larger marketing area herein recommended. At the present time no ungraded milk for human consumption may be sold throughout the proposed marketing area.

Grade A milk products sold for fluid consumption throughout the proposed area must be approved by health authorities who are governed by health ordinances, practices and procedures patterned after the United States Public Health Milk Ordinance and Code. Movements of milk both in bulk and packaged form between various localities in the marketing area take place through reciprocal approval of the respective health authorities. Ratings by the United States Public Health Service are recognized as a basis for approval of outside sources of milk. The degree of similarity of minimum health standards throughout the area justifies uniform regulation for milk marketed throughout the area.

Many of the sales outlets in the proposed enlarged marketing area are in neither incorporated towns nor municipalities. The many resort areas in the Black Hills, such as Wind Cave National Park, State Game Lodge, Sylvan Lake Hotel, and Coolidge Inn, which accommodate many thousands of people during the summer vacation period, are in localities that are rural in character. The stability of the market would be impaired if these important outlets for Class I milk in the Black Hills area were not included in the marketing area. The only practical way for including these sales outlets in the marketing area is by defining the marketing area to designate the entire county in which are located these widely scattered users of a substantial proportion of the fluid milk distributed in the Black Hills. The marketing area herein recommended gives consideration to this factor.

It was urged at the hearing that the order provide specifically that any territory within the boundaries of the designated marketing area which is occupied by government (Municipal, State, or Federal) reservations, installations, institutions or other establishments should be considered as within the marketing area. It is clearly intended that all such territory be included in the marketing area. However, so that there will be no

doubt as to the intent of the marketing area definition, it should be indicated that the designated places in the Black Hills marketing area shall include territory within such boundaries which is occupied by government (Municipal, State, or Federal) reservations, installations, institutions, or other establishments.

2. Provision should be made for a plant which supplies milk to a distributing plant which is a pool plant to qualify as a pool plant. The present order makes no provision for supply plants to qualify as pool plants. At the time of the inception of the order no supply plants were serving milk to Black Hills handlers as a major part of their operations. Neither are any such plants now on the market. With the enlargement of the marketing area, as is proposed in this decision, there is greater likelihood than heretofore that such plants may become associated with the market. Accordingly, provision should be made to qualify as a pool plant a plant supplying a major part of its receipts of Grade A milk from dairy farmers to distributing plants which are pool plants under the Black Hills order.

Essential to the operation of a market-wide pool is the establishment of performance standards to apply uniformly to all plants. Any plant, regardless of its location, should have equal opportunity to comply with the standards and thereby participate in the marketwide pool and have its producers share in the Class I sales of the market. Any dairy farmer who meets the necessary health department requirements should not be prohibited by the order from selling his milk to plants meeting the standards of qualification. Whether or not plants and producers choose to supply the Black Hills market will depend on the economic circumstances with which they are confronted, such as prices, transportation, costs, and alternative outlets.

Because of the difference in marketing practices and functions between distributing plants and supply plants, different performance standards must be provided. A "distributing plant" should be defined as a plant in which milk is processed or packaged and from which any fluid milk products (as hereinafter defined) are disposed of during the month on routes (including routes operated by vendors) or through plant stores to retail or wholesale outlets (except pool plants) located in the marketing area. "Supply plant" should be defined to mean a plant from which milk, skim milk, or cream which is acceptable to the appropriate health authorities for distribution in the marketing area under a Grade A label is shipped during the month to a distributing plant which is qualified as a pool plant.

As now provided in the order, a distributing plant may qualify as a pool plant by disposing of at least 20 percent of its Grade A receipts during the month as Class I milk on routes to retail or wholesale outlets in the marketing area. No evidence was presented to revise this requirement and this standard is appropriate for application in the proposed extended area.

The performance standards for supply plants to qualify for pool plant status should reflect the fact that currently the quantity of milk produced for the Black Hills market is adequate on an annual basis for the needs of the market. At times, especially during the months of seasonally high production, distributors in the market have not needed all the milk available from producers to keep their Class I outlets fully supplied. In order to insure that the producer milk which is pooled will be available for Class I and the plant supplying such milk is primarily associated with the market, supply plant standards should be set at levels which require that such milk will be available.

In order to qualify for pool plant status a supply plant should ship to distributing plants which are pool plants at least 50 percent of its receipts of milk from dairy farmers in the month in the form of supplemented supplies of fluid milk products. Unless more than half of the milk from such plant is disposed of in this manner a supply plant should not, under the present conditions in the Black Hills market, be considered as primarily associated with the regulated market.

It is recognized that if there is any demand for milk from supply plants it will be greatest during the season of low production. Under present conditions, however, during the months of flush production it is likely that supplies of milk received at plants in or near the marketing area will be sufficient to supply the Class I outlets. During this part of the year, it would be more economical to leave the most distant milk in the country for manufacture and use local supplies for Class I use. The performance provisions should not force milk to be transported to distributing plants in the spring months of heavy production in order to maintain the eligibility of supply plants to pool.

To avoid this, provision should be made whereby a supply plant may maintain pool plant status during the months of heaviest production if it supplies a substantial portion of its producer milk to distributing plants during the months when milk production tends to be lowest. Accordingly, a supply plant which furnishes 50 percent of its receipts of "Grade A" milk directly from dairy farmers during the immediately preceding period of September through November to distributing plants which are pool plants should be allowed to attain automatic pool status for the months of March through June.

Any distributing plant which does not meet the standards for a pool plant is now required to file reports and submit to audits by the market administrator to verify the status of such plant.

3. It was proposed that the plant of a producer-handler from which more than an average of 400 pounds of milk daily is disposed of in the marketing area should be a pool plant. The order now exempts from pooling all milk produced on the farm of a producer-handler.

There are three producer-handlers in the area. The largest of these, Hooper Dairy, is located near Sturgis and distributes approximately 1,200 pounds of Grade A pasteurized milk daily in that

city. From the Dale Farm Dairy, which is near Edgemont in Fall River County, approximately 60 to 80 gallons of Grade A raw milk are distributed daily. Relatively small quantities of milk are sold by the third producer-handler, who recently began making sales at his farm in the vicinity of the Ellsworth Air Base.

Proponents argued that producer-handlers have the benefit of a share of the Class I market without carrying their fair share of the burden of surplus for the market, but this was not shown in fact to be the case.

It was argued that unless the producer-handler definition is revised an additional number of producers would come on the market as producer-handlers, bringing about unstable and demoralized marketing conditions. It is not possible to justify this conclusion on the basis of the information contained in the hearing record.

In view of the above, it is concluded that no action should be taken at this time with respect to changing the producer-dealer definition in the order. Accordingly, the request therefor is denied.

4. Provision should be made for the classification and allocation of month end inventories of fluid milk products. Handlers have inventories of milk and milk products at the beginning and end of each month which enter into the accounting for current receipts and utilization. It has been the practice under the Black Hills order to classify in Class II the differences by which the pounds of butterfat and skim milk in fluid milk products at the end of the month exceed the inventories at the beginning of the month.

Inventories should include all the skim milk and butterfat in fluid milk products, whether in bulk or in packages. Since the disposition of skim milk and butterfat in non-fluid milk products had been accounted for when used to produce a manufactured dairy product (and classified as Class II milk), such skim milk and butterfat should not be included in inventories.

The accounting procedure will be facilitated by providing specifically that month-end inventories of all fluid milk products be classified in Class II milk. Such inventories will be the beginning inventories the following month and subtracted from any available Class II milk under the allocation procedure prescribed on the order. The higher use value of any fluid milk products in inventory which are allocated to Class I milk in the following month should be reflected in returns to producers. The mechanics of the attached order provide for the reclassification of inventories on that basis. Inventories of fluid milk products at an approved plant at the beginning of any month during which such plant becomes a regulated plant for the first time should likewise be allocated to any available Class II utilization of the plant during the month. This will preserve the priority of assignment of current producer receipts to current Class I use.

5. Milk in packaged form from plants located at significant distances from the marketing area is distributed regularly in the proposed enlarged marketing area.

Such distribution is made at various points in the marketing area from plants as far away as Denver, Colorado, which is 400 miles from Rapid City. In addition, such supplemental supplies of milk as might be needed by handlers on the market during periods of short supply would have to be obtained from sources located at substantial distances from the production area for the Black Hills market.

It would be neither practicable nor economically justifiable to require each handler to pay the same minimum class prices for milk received from producers regardless of the location of his plant in relation to the marketing area. With the same class prices applicable, milk received at a plant outside the marketing area and moved to the marketing area for processing and packaging may be expected to be more costly to a handler than milk received directly from producers at his processing plant in the marketing area. In the same manner, additional transportation costs would be incurred by the operator of a plant from which packaged milk is moved a relatively long distance to the marketing area. Unless provision is made in the order for the application of location differentials, producers delivering milk to plants located at some distance from the marketing area would be paid the same uniform prices as producers delivering to plants in the marketing area.

It is economically more feasible to meet the needs of the market for fluid purposes from those farms or plants nearest the market before bringing in milk from more distant plants. The value of milk to the market for fluid purposes is greater at the location of a plant in the marketing area which packages it for distribution than at a plant from which milk must be moved to the marketing area for Class I uses. Recognition in the order through the medium of a location differential should be given to this difference in value.

So as to be equitable to all handlers, the minimum Class I price to be paid for producer milk should not be dependent upon the type of plant receiving the milk. However, to the extent that milk is received elsewhere from producers and brought to the marketing area by a handler, the handler has assumed a transportation cost which might otherwise be borne by producers. Accordingly, the Class I price should be adjusted downward in the case of a plant which assumes the cost of hauling milk to the marketing area.

It is customary, in both regulated and unregulated markets, for handlers to pay producers delivering milk to plants farther removed from the market a lesser price per hundredweight than is paid producers delivering directly to plants in the marketing area. To the extent that this represents a lower price because of the location of the milk, such difference of value should be recognized under the order.

Official notice is here taken of Order No. 105, regulating the handling of milk in the North Central Iowa marketing area, which order became effective October 1, 1957 (22 F. R. 6235). The location differential in that order reduces the

price for Class I milk received from producers at a pool plant located more than 50 miles from the four principal cities in the marketing area by 10 cents for the first 61 miles or less and by 1.5 cents for each additional 10 miles or fraction thereof that such plant is from the nearest of the city halls in such cities.

Rapid City, Lead, Hot Springs, and Custer are the principal cities in the Black Hills marketing area. The post office in each of these cities would be an appropriate point from which the mileage used in applying the location differential adjustment might be measured. Such differential should be computed from the nearest of such cities. This will reflect the value of the milk in relation to the nearest potential outlet and it may reasonably be expected that milk which is moved for regular distribution or as a supplementary source of supply would be nearer to the city to which the shipments were made. This method of arriving at location differential adjustments will result in values for milk at plants at different locations in such a manner as to promote the economical allocation of available supplies in accordance with location of such supplies with respect to the major consuming centers in the marketing area.

Because the Black Hills marketing area is spread over a relatively large territory and because milk distributed in the marketing area is moved great distances, it would be inappropriate to have location differentials applicable at plants which are less than 100 miles from any of the principal cities in the marketing area. Accordingly, it is concluded that the Class I price under the Black Hills order should be reduced by 15 cents for the first 110 miles and 1.5 cents for each additional 10 miles or fraction thereof with respect to producer milk received at a plant which is not less than 100 miles from the nearest of the post offices of Rapid City, Lead, Hot Springs and Custer.

The location differential here recommended is economically sound and will be applicable to all handlers wherever located. The proposed rates are fundamentally the same as those contained in various other orders and are representative of the cost of hauling milk by an efficient means to the market.

Prices paid producers supplying plants to which location differentials apply should be reduced to reflect the lower value of such milk f. o. b. the point to which delivered.

No adjustment should be made in the Class II price because of the location of the plant to which the milk is delivered. There is little difference in the value of milk for manufactured uses associated with location of the plant receiving the milk. This is because of the low cost per hundredweight of milk involved in transporting manufactured products. The prices paid for ungraded milk received at various sections of the milkshed do not indicate any difference in value associated with location.

After a handler receives milk for Class II use, he should be expected to handle and dispose of the milk by the most advantageous possible method. Prices paid

producers for such milk should not be made dependent upon the method employed by the handler in disposing of such milk. To do otherwise would remove part of the incentive for keeping handling costs at a minimum. To insure that milk will not be moved unnecessarily at producers' expense, the order should contain a provision to determine whether milk transferred between plants may receive the location differential credit. This should provide that any milk transferred be assigned to any Class II use remaining in the transferee plant before any of the direct producer receipts are assigned to Class II milk at such plant.

6. The compensatory payment rates now applicable to other source milk should not be changed at this time.

Different rates of compensatory payments are now applied to Class I milk distributed in the marketing area from a nonpool plant and to other source milk allocated to Class I at a pool plant. The rate used with respect to the latter is the difference between the Class I price and the Class II price for the months of April, May and June and the differences between the Class I price and "the weighted average value of all producer milk" in other months. When milk is distributed in the marketing area from a nonpool plant, the operator of such plant is required to pay the producer-settlement fund the lesser of either the difference between the Class I value and Class II value of such milk or an amount by which the value of milk received from dairy farmers at such plant (which value would be computed as if such plant were a pool plant) exceeds the gross payments made by the handler to such dairy farmers for milk received during the month.

It was proposed by producers that the compensatory payment rate on unpriced milk distributed in the marketing area from a nonpool plant be the same as the rate now applicable to other source milk allocated to Class I at a pool plant.

Milk which is processed and packaged by the Lucerne Milk Division of Safeway Stores in Denver, Colorado, approximately 400 miles from Rapid City, is distributed in the marketing area through stores in Rapid City, Belle Fourche and Deadwood. Since the overall payment to dairy farmers from whom this milk is received is greater than the value of such milk computed on the basis of the class prices under the order, no compensatory payment is required. Kilmer Dairy of Lusk, Wyoming, is the other nonpool plant from which packaged milk is distributed in the marketing area. This handler has incurred obligations to the producer-settlement fund under the compensatory payment provision of the order. It is expected, however, that with the expansion of the marketing area, as is recommended elsewhere in this decision, the Kilmer Dairy, by reason of its total sales in the enlarged marketing area, would be a pool plant and fully regulated by the order.

It was not established at the hearing that the basis which is now being used for determining the compensatory payment obligation of a nonpool distributor

to the producer-settlement fund is inequitable to or works an injustice on either pool plant or nonpool plant operators. Neither was it shown that, with the enlargement of the marketing area, such basis would work out differently than at present. A nonpool distributor is now required to pay the difference between the Class I and Class II prices on milk distributed in the marketing area or to pay for milk received from his Grade A producers an amount not less than that which he would be required to pay if he were operating a pool plant. In this manner, a handler who, by reason of his limited sales in the marketing area, is not sufficiently associated with the market to qualify as a pool plant must pay as much for his milk as a fully regulated handler or pay a compensatory payment. Accordingly, under the conditions which prevail in this market, the present provision removes any economic advantage either in the procurement of milk or on sales of milk in the marketing area which might otherwise accrue to partially regulated handlers as compared with fully regulated handlers.

Producers argued that compensatory payments should be required on all milk distributed in the marketing area from nonpool plants irrespective of such factors as the actual cost of milk to the nonpool handler and the expense incurred in transporting milk to the marketing area. Milk from plants making limited sales in the marketing area, it was stated, displaces the milk of local producers for Class I use, gives the handler operating such nonpool plant the benefit of the stable market provided by the order and supported by regulated handlers, and places such nonpool handler in an advantageous position as against fully regulated handlers, especially in periods of flush production, in bidding on governmental and other institutional contracts.

There are various factors involved in the marketing of milk in the Black Hills area to justify different rates of compensatory payments between milk distributed from a nonpool plant in the marketing area and other source milk allocated to Class I at a pool plant. A nonpool handler distributing milk on routes in the marketing area does not do so on a seasonal basis but carries on such business as a regular part of his distribution. Consequently, a source of supply must be maintained by such handler on a year-round basis. Likewise, he is precluded (the same as a regulated handler) by the compensatory payment provisions from supplying his regular customers or seasonal business in the marketing area during periods of flush production with surplus milk from other markets which might be available at manufacturing prices. Moreover, the quantity of milk such a distributor may dispose of on routes in the marketing area is limited, since increasing such sales to 20 percent of his receipts from dairy farmers would automatically subject him to full regulation under the order. As a further safeguard to all handlers, the records of any distributor who disposes of Class I milk in the mar-

keting area are subject to audit by the market administrator.

In the decision of the Assistant Secretary issued on June 9, 1954 (19 F. R. 3468) which was based on the record of the Black Hills order promulgation hearing, it was concluded that no compensatory payment should be required on milk classified and priced as Class I milk under another Federal milk marketing order. Although producers proposed that such milk should now be subject to the compensatory payment provisions of the Black Hills order, in the same manner as milk emanating from unregulated plants, no evidence was presented to indicate that marketing conditions had changed or that any other event had occurred since the inception of the order which would warrant such action.

It is not necessary to extend regulation under this order to plants from which the principal disposition is in other areas and which are subject to regulation by other orders. To do so would subject such plants to duplicate regulation. However, in order that the market administrator may be fully apprised of the continuing status of such a plant, the operator thereof should, with respect to the total receipts and utilization or disposition of skim milk and butterfat at the plant, make reports to the market administrator at such time and in such manner as the market administrator may require and allow verification of such reports by the market administrator.

7. The entire order should be redrafted to incorporate conforming and clarifying changes and to facilitate application of its various provisions.

(a) In designating which persons would be subject to regulation and application of order provisions to them, new or revised definitions are provided in the attached order, including those for "approved plant," "approved dairy farmer," "producer," "fluid milk product," "approved milk," "producer milk," "other source milk," and "Chicago butter price". The definitions for "pool plant," "distributing plant," and "supply plant" are discussed elsewhere in this decision.

"Approved plant" should be defined as a pool plant or a distributing plant which is not a pool plant, thereby included in one designation all plants for which reports are required to be submitted to the market administrator.

"Approved dairy farmer" should mean any person, except a producer-handler, who produces milk in compliance with the Grade A inspection requirements of a duly constituted health authority which milk is received at an approved plant or diverted from an approved plant to a nonpool plant.

"Producer" should mean an approved dairy farmer whose milk is received at a pool plant.

"Fluid milk product" should mean milk, skim milk, buttermilk, milk drinks (plain or flavored) cream or any mixture in fluid form of skim milk and cream (except aerated cream products, yogurt, ice cream mix, evaporated or condensed milk, and sterilized products packaged in hermetically sealed containers). The items included as fluid milk products are those products which when disposed of

by handlers are considered as Class I milk under the present order.

"Approved milk" should mean only that skim milk and butterfat contained in milk received at an approved plant directly from approved dairy farmers or diverted from an approved plant to a nonpool plant. Milk transferred to an approved plant from the plant of another handler should not be included in the approved milk definition. When receipts at a shipping plant are from approved dairy farmers and from other sources, the milk is intermingled and it cannot always be ascertained whether the milk being moved is that from approved dairy farmers, from other sources or a mixture of the two.

"Producer milk" should mean approved milk which is received at a pool plant.

"Other source milk" should be defined as all skim milk and butterfat contained in or represented by fluid milk products utilized by the handler in his operations except approved milk, fluid milk products received from pool plants, and inventory at the beginning of the month. Thus, other source milk would represent skim milk and butterfat which is not subject to the pricing provisions of this order during the month. It would include all milk products from plants other than pool plants and all manufactured dairy products from any source which are reprocessed or converted into another product during the month. It would include those manufactured products from a plant's own production which are made and are reprocessed or converted into another product during the same or a latter month.

"Chicago butter price" should mean the simple average as computed by the market administrator of the daily wholesale selling prices (using the midpoint of any range as one price) per pound of Grade A (92 score) bulk creamery butter at Chicago as reported during the month by the Department.

(b) It has been the practice in the market to classify in Class II skim milk "dumped" at pool plants. Most of such dumping has been by a cooperative association, the principal handler of surplus in the market. During June 1957, when the cooperative handled 570,000 pounds of milk in its plant, 240,000 pounds of skim milk were dumped because no nearby markets were available and it was not economically feasible to move the skim milk the long distances necessary to obtain an outlet.

Since the plants other than the cooperative associations operate only 5 or 6 days a week, the cooperative is required on the other days to handle the milk customarily received elsewhere. It is these irregular shipments that tax the facilities of the cooperative plant, necessitating the dumping of skim milk. Until the producer organization is able to handle the large quantities of skim milk for manufacturing in its own plant or procures a sales outlet for the skim from which it would realize some return, it may be expected that substantial quantities of skim milk will continue to be dumped.

It would not be practicable to permit in an unlimited manner the dumping

of skim milk by pool plant handlers. Neither would it be appropriate to classify such skim milk, for which no better outlet is available, in other than Class II. Accordingly, the order should clearly specify a Class II classification for skim milk dumped, with a proviso that the market administrator be notified in advance and be afforded the opportunity to verify the dumping.

(c) One of the formulas used in determining the basic formula price, which is used in calculating the Black Hills order Class I price, is the average of the prices paid for milk received from dairy farmers at specified plants in Wisconsin and Michigan, known as the "Midwestern Condenseries." Of the 15 plants now listed in the order, three (Carnation Company, Berlin, Wisconsin; Carnation Company, Chilton, Wisconsin; and Pet Milk Company, Hudson, Michigan) are no longer in operation. Accordingly, only the 12 plants of the original Midwestern Condensery group now operating are listed in the attached proposed order as the plants whose prices paid to dairy farmers shall be used in determining the basic formula price under the order.

(d) Since production of some producers shipping by bulk tank is picked up at their farms on alternate days, the total number of deliveries from such farms is not more than 16 days in any month. Although the market administrator in computing the daily base of such producers has been considering the number of days on which milk was produced as the number of days of delivery, the order does not now prescribe that this procedure be followed. It was proposed by producers that the wording of the order be revised to provide that for the purpose of calculating the daily base of a producer the number of days of production included in his producer milk deliveries shall be considered the number of days on which milk was received at a pool plant. Since such a change will make unequivocal the intent of the order with respect to determining the daily base of any producer, provision therefor should be made in the order.

(e) The months of January through July are the base-operating months under the Black Hills order. The attached order could become effective during the 1958 base-operating period and some plants, because of the enlargement of the marketing area, would become pool plants for the first time. In view of this, provision should be made to assure the assigning of bases in an equitable manner to producers delivering to plants which will have first become pool plants in the 1958 base-operating period. This would be best effectuated by according such producers the same treatment as is accorded producers now under the order in establishing bases. This would be accomplished by providing that, for the purpose of calculating the daily base of a producer, deliveries of any dairy farmer during July through December 1957 to a plant which became a pool plant during 1958 shall be considered producer milk received at a pool plant.

Rulings on proposed findings and conclusions. Briefs were filed on behalf of certain interested parties in the market. These briefs and the evidence in the rec-

ord were considered in making the findings and conclusions set forth above. To the extent that the suggested findings and conclusions set forth in the briefs are inconsistent with the findings and conclusions set forth herein, the request to make such findings or reach such conclusions are denied for the reasons previously stated in this decision.

General findings. (a) The tentative marketing agreement and the order, as hereby proposed to be amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of of the act;

(b) The parity prices of milk as determined pursuant to section 2 of the act are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the marketing area, and the minimum prices specified in the proposed marketing agreement and the order, as hereby proposed to be amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(c) The tentative marketing agreement and the order, as hereby proposed to be amended, will regulate the handling of milk in the same manner as, and will be applicable only to persons in the respective classes of industrial and commercial activity specified in, a marketing agreement upon which a hearing has been held.

Rulings on exceptions. In arriving at the findings and conclusions, and the regulatory provisions of this decision, each of the exceptions received was carefully and fully considered in conjunction with the record evidence pertaining thereto. To the extent that the findings and conclusions, and the regulatory provisions of this decision are at variance with any of the exceptions, such exceptions are hereby overruled for the reasons previously stated in this decision.

Marketing agreement and order. Annexed hereto and made a part hereof are two documents entitled, respectively, "Marketing Agreement Regulating the Handling of Milk in the Black Hills, South Dakota, Marketing Area", and "Order Amending the Order Regulating the Handling of Milk in the Black Hills, South Dakota, Marketing Area", which have been decided upon as the detailed and appropriate means of effectuating the foregoing conclusions.

It is hereby ordered. That all of this decision, except the attached marketing agreement, be published in the FEDERAL REGISTER. The regulatory provisions of said marketing agreement are identical with those contained in the order as hereby proposed to be amended by the attached order which will be published with this decision.

Determination of representative period. The month of November 1957 is hereby determined to be the representative period for the purpose of ascertaining whether the issuance of the attached order amending the order regulating the handling of milk in the Black Hills, South Dakota, marketing area, is approved or favored by producers, as defined under

the terms of the order as hereby proposed to be amended, and who, during such representative period, were engaged in the production of milk for sale within the aforesaid marketing area.

Issued at Washington, D. C., this 27th day of January 1958.

[SEAL]

DON PAARLBERG,
Assistant Secretary.

*Order¹ Amending the Order as Amended,
Regulating the Handling of Milk in the
Black Hills, South Dakota, Marketing
Area*

Sec.

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¹ This order shall not become effective unless and until the requirements of § 900.14 of the rules of practice and procedure, as amended, governing proceedings to formulate marketing agreements and orders have been met.

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AUTHORITY: §§ 917.0 to 917.95 issued under sec. 5, 49 Stat. 753 as amended; 7 U. S. C. 608c.

§ 917.0 Findings and determinations. The findings and determinations herein-after set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) **Findings upon the basis of the hearing record.** Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held upon certain proposed amendments to the tentative marketing agreement and to the order regulating the handling of milk in the Black Hills, South Dakota marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order as hereby amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(2) The parity prices of milk, as determined pursuant to section 2 of the Act, are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the said marketing area, and the minimum prices specified in the order as hereby amended are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest;

(3) The said order as hereby amended, regulates the handling of milk in the same manner as, and is applicable only to persons in the respective classes of industrial or commercial activity specified in, a marketing agreement upon which a hearing has been held.

(4) All milk and milk products handled by handlers, as defined in the order as hereby amended, are in the current of interstate commerce or directly burden, obstruct, or affect interstate commerce in milk or its products; and

(5) It is hereby found that the necessary expense of the market administrator for the maintenance and functioning of such agency will require the payment by each handler, as his pro rata share of such expense, 5 cents per hundredweight or such amount not to exceed 5 cents per hundredweight as the Secretary may prescribe, with respect to butterfat and skim milk contained in (i) producer milk, (ii) other source milk at a pool plant which is allocated to Class I milk pursuant to § 917.46, and (iii) Class I milk disposed of in the marketing area (except to a pool plant) from a nonpool plant.

Order relative to handling. It is therefore ordered, that on and after the effective date hereof, the handling of milk in the Black Hills, South Dakota, marketing area shall be in conformity to and in compliance with the terms and conditions of the aforesaid order, as hereby amended, and the aforesaid order is hereby amended to read as follows:

DEFINITIONS

§ 917.1 *Act.* "Act" means Public Act No. 10, 73d Congress, as amended, and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.)

§ 917.2 *Secretary.* "Secretary" means the Secretary of Agriculture of the United States or any other officer or employee of the United States authorized to exercise the powers or to perform the duties of the said Secretary of Agriculture.

§ 917.3 *Department.* "Department" means the United States Department of Agriculture or any other Federal agency authorized to perform the price reporting functions of the United States Department of Agriculture.

§ 917.4 *Person.* "Person" means any individual, partnership, corporation, association, or other business unit.

§ 917.5 *Cooperative association.* "Cooperative association" means any cooperative marketing association which the Secretary determines, after application by the association:

(a) To be qualified under the provisions of the act of Congress of February 18, 1922, as amended, known as the "Capper-Volstead Act"; and

(b) To have full authority in the sale of milk of its members and to be engaged in making collective sales of or marketing milk or its products for its members.

§ 917.6 *Black Hills, South Dakota, marketing area.* "Black Hills, South Dakota, marketing area", hereinafter called

the "marketing area", means all of the territory within the boundaries of Custer, Fall River, Lawrence and Pennington Counties, the cities of Belle Fourche and Sturgis, the Ellsworth Air Base, and the Veterans' Administration Hospital at Fort Meade, all in the State of South Dakota, including territory within such boundaries which is occupied by government (Municipal, State, or Federal) reservations, installations, institutions, or establishments.

§ 917.7 *Approved dairy farmer.* "Approved dairy farmer" means any person, except a producer-handler, who produces milk in compliance with the Grade A inspection requirements of a duly constituted health authority, which milk is (a) received at an approved plant, or (b) diverted from an approved plant to a nonpool plant for the account of either the operator of the approved plant or a cooperative association: *Provided*, That milk diverted pursuant to this section shall be deemed to have been received at the location of the plant from which diverted.

§ 917.8 *Producer.* "Producer" means an approved dairy farmer whose milk is received at a pool plant.

§ 917.9 *Distributing plant.* "Distributing plant" means a plant which is approved by an appropriate health authority for the processing or packaging of Grade A milk and from which any fluid milk product is disposed of during the month on routes (including routes operated by vendors) or through plant stores to retail or wholesale outlets (except pool plants) located in the marketing area.

§ 917.10 *Supply plant.* "Supply plant" means a plant from which milk, skim milk or cream which is acceptable to the appropriate health authority for distribution in the marketing area under a Grade A label is shipped during the month to a pool plant qualified pursuant to § 917.12 (a).

§ 917.11 *Approved plant.* "Approved plant" means a pool plant or a distributing plant which is not a pool plant.

§ 917.12 *Pool plant.* "Pool plant" means:

(a) A distributing plant from which a volume of Class I milk equal to not less than 20 percent of the Grade A milk received at such plant from producers and from other plants is disposed of during the month on routes (including routes operated by vendors) or through plant stores to retail or wholesale outlets (except pool plants) in the marketing area.

(b) A supply plant from which the volume of fluid milk products shipped during the month to pool plants qualified pursuant to paragraph (a) of this section is equal to not less than 50 percent of the Grade A milk received at such plant from dairy farmers during such month: *Provided*, That if such shipments are not less than 50 percent of the receipts of Grade A milk directly from dairy farmers at such plant during the immediately preceding period of September through November, such plant shall be a pool plant for the months of March through June, unless written application is filed

with the market administrator on or before the 15th day of any of the months of March, April, May, or June to be designated a nonpool plant for such month and for each subsequent month through June of the same year.

§ 917.13 *Nonpool plant.* "Nonpool plant" means any milk manufacturing, processing or bottling plant other than a pool plant.

§ 917.14 *Handler.* "Handler" means: (a) Any person in his capacity as the operator of one or more distributing or supply plants.

(b) Any cooperative association with respect to the milk from producers diverted by the association for the account of such association from a pool plant to a nonpool plant.

§ 917.15 *Producer-handler.* "Producer-handler" means any person who operates a dairy farm and a distributing plant but who receives no milk from other dairy farmers.

§ 917.16 *Approved milk.* "Approved milk" means the skim milk and butterfat contained in milk (a) received at an approved plant directly from approved dairy farmers or (b) diverted from an approved plant to a nonpool plant in accordance with the conditions set forth in § 917.7.

§ 917.17 *Producer milk.* "Producer milk" means approved milk which is received at a pool plant.

§ 917.18 *Fluid milk product.* "Fluid milk product" means milk, skim milk, buttermilk, milk drinks (plain or flavored), cream or any mixture in fluid form of milk, skim milk and cream (except ice cream mix, evaporated or condensed milk, and sterilized products packaged in hermetically sealed containers).

§ 917.19 *Other source milk.* "Other source milk" means all skim milk and butterfat contained in or represented by:

(a) Receipts during the month in the form of fluid milk products except (1) fluid milk products received from pool plants, (2) approved milk, or (3) inventory at the beginning of the month; and

(b) Products other than fluid milk products from any source (including those produced at the plant) which are reprocessed or converted to another product in the plant during the month.

§ 917.20 *Base milk.* "Base milk" means milk received at a pool plant from a producer during any of the months of January through June which is not in excess of the amount obtained in multiplying such producer's daily base by the number of days in such month.

§ 917.21 *Excess milk.* "Excess milk" means milk received at a pool plant from a producer during any of the months of January through June which is in excess of the base milk received from such producer during such month.

§ 917.22 *Chicago butter price.* "Chicago butter price" means the simple average as computed by the market administrator of the daily wholesale selling prices (using the midpoint of any range as one price) per pound of Grade A

(92-score) bulk creamery butter at Chicago as reported during the month by the Department.

MARKET ADMINISTRATOR

§ 917.25 *Designation.* The agency for the administration of this part shall be a market administrator, selected by the Secretary, who shall be entitled to such compensation as may be determined by, and shall be subject to removal at the discretion of, the Secretary.

§ 917.26 *Powers.* The market administrator shall have the following powers with respect to this part:

- (a) To administer its terms and provisions;
- (b) To receive, investigate, and report to the Secretary complaints of violations;
- (c) To make rules and regulations to effectuate its terms and provisions; and
- (d) To recommend amendments to the Secretary.

§ 917.27 *Duties.* The market administrator shall perform all duties necessary to administer the terms and provisions of this part, including but not limited to the following:

- (a) Within 30 days following the date on which he enters upon his duties, or such lesser period as may be prescribed by the Secretary, execute and deliver to the Secretary a bond, effective as of the date on which he enters upon his duties and conditioned upon the faithful performance of such duties, in an amount and with surety thereon satisfactory to the Secretary;
- (b) Employ and fix the compensation of such persons as may be necessary to enable him to administer its terms and provisions;
- (c) Obtain a bond in a reasonable amount, and with reasonable surety thereon, covering each employee who handles funds entrusted to the market administrator;
- (d) Pay out of the funds provided by § 917.88 the cost of his bond and of the bonds of his employees, his own compensation, and all other expenses necessarily incurred by him in the maintenance and functioning of his office and in the performance of his duties;
- (e) Keep such books and records as will clearly reflect the transactions provided for in this part, and upon request by the Secretary, surrender the same to such other person as the Secretary may designate;
- (f) Publicly announce, unless otherwise directed by the Secretary, the name of any person who within 10 days after the date upon which he is required to perform such acts, has not made reports pursuant to §§ 917.30 and 917.31, or payments pursuant to §§ 917.62, 917.80, 917.84, 917.86, and 917.88;
- (g) Submit his books and records to examination by the Secretary and furnish such information and reports as may be required by the Secretary;
- (h) Verify all reports and payments of each handler by audit of such handler's records and of the records of any other handler or person upon whose utilization the classification of skim milk or butterfat for such handler depends, or by such investigation as the market administrator deems necessary;

(i) Prepare and disseminate to the public such statistics and such information as he deems advisable and as do not reveal confidential information;

(j) Publicly announce on or before:

- (1) The 5th day of each month, the minimum price for Class I milk pursuant to § 917.51 (a) and the Class I butterfat differential pursuant to § 917.52 (a), both for the current month; and the minimum price for Class II milk pursuant to § 917.51 (b) and the Class II butterfat differential pursuant to § 917.52 (b), both for the preceding month;
- (2) The 10th day after the end of the months of July through December, the uniform price pursuant to § 917.72 and the producer butterfat differential pursuant to § 917.81; and
- (3) The 10th day after the end of the months of January through June, the uniform price for base milk pursuant to § 917.73 and the butterfat differential pursuant to § 917.81.

REPORTS, RECORDS AND FACILITIES

§ 917.30 *Reports of receipts and utilization.* On or before the 5th day after the end of each month, each handler, except a producer-handler, shall report to the market administrator for such month for each of his approved plants in the detail and on forms prescribed by the market administrator:

- (a) The quantities of skim milk and butterfat contained in or represented by receipts of milk from approved dairy farmers and the aggregate quantities of base and excess milk;
- (b) The quantities of skim milk and butterfat contained in or represented by fluid milk products received from pool plants;
- (c) The quantities of skim milk and butterfat contained in or represented by other source milk;
- (d) The quantities of skim milk and butterfat contained in or represented by approved milk diverted to nonpool plants pursuant to § 917.7;
- (e) Inventories of fluid milk products on hand at the beginning and end of the month;
- (f) The utilization of all skim milk and butterfat required to be reported pursuant to this section, including a separate statement of the disposition of Class I milk outside the marketing area; and
- (g) Such other information with respect to his receipts and utilization of butterfat and skim milk as the market administrator may prescribe.

§ 917.31 *Other reports.* (a) Each producer-handler shall make reports to the market administrator at such time and in such manner as the market administrator may prescribe.

(b) Each handler, except a producer-handler, shall report to the market administrator in detail and on forms prescribed by the market administrator on or before the 20th day after the end of the month for each of his pool plants his producer payroll for such month which shall show for each producer:

- (1) His name and address,
- (2) The total pounds of milk received from such producer including for the

months of January through June, the total pounds of base and excess milk,

(3) The number of days, if less than the entire month, for which milk was received from such producer,

(4) The average butterfat content of such milk, and

(5) The net amount of such handler's payment together with the price paid and the amount and nature of any deductions.

§ 917.32 *Records and facilities.* Each handler shall maintain and make available to the market administrator or to his representative during the usual hours of business such accounts and records of his operations together with such facilities as are necessary for the market administrator to verify or establish the correct data with respect to:

- (a) The receipt and utilization of all skim milk and butterfat handled in any form during the month;
- (b) The weights and butterfat and other content of all milk, skim milk, cream and other milk products handled during the month;
- (c) The pounds of skim milk and butterfat contained in or represented by all milk products on hand at the beginning and end of each month; and
- (d) Payments to approved dairy farmers and cooperative associations.

§ 917.33 *Retention of records.* All books and records required under this subpart to be made available to the market administrator shall be retained by the handler for a period of three years to begin at the end of the month to which such books and records pertain: *Provided*, That if, within such three-year period, the market administrator notifies the handler in writing that the retention of such books and records is necessary in connection with a proceeding under section 8c (15) (A) of the act or a court action specified in such notice the handler shall retain such books and records, or specified books and records, until further written notification from the market administrator. In either case, the market administrator shall give further written notification to the handler promptly upon the termination of the litigation or when the records are no longer necessary in connection therewith.

CLASSIFICATION

§ 917.40 *Skim milk and butterfat to be classified.* The skim milk and butterfat which are required to be reported pursuant to § 917.30 shall be classified each month by the market administrator, pursuant to the provisions of §§ 917.41 through 917.46.

§ 917.41 *Classes of utilization.* Subject to the conditions set forth in § 917.44 the classes of utilization shall be as follows:

(a) *Class I milk.* Class I milk shall be all skim milk (including concentrated and reconstituted skim milk) and butterfat (1) disposed of in the form of a fluid milk product (except as provided in paragraph (b) (2) and (3) of this section), and (2) not accounted for as Class II milk.

(b) *Class II milk.* Class II milk shall be all skim milk and butterfat (1) used to produce any product other than a

fluid milk product, (2) disposed of and used for livestock feed, (3) contained in skim milk dumped if the market administrator has been notified in advance and afforded the opportunity of verifying such dumping, (4) contained in inventory of fluid milk products on hand at the end of the month, (5) in shrinkage allocated to receipts of approved milk (except milk diverted to a nonpool plant pursuant to § 917.7) but not in excess of 2 percent of such receipts of skim milk and butterfat, respectively, and (6) in shrinkage of other source milk.

§ 917.42 *Shrinkage.* The market administrator shall allocate shrinkage over a handler's receipts as follows:

(a) Compute the total shrinkage of skim milk and butterfat for each handler; and

(b) Prorate the resulting amounts between the receipts of skim milk and butterfat contained in approved milk and in other source milk.

§ 917.43 *Responsibility of handlers and reclassification of milk.* All skim milk and butterfat shall be Class I milk unless the handler who first receives such skim milk or butterfat can prove to the market administrator that such skim milk or butterfat should be classified otherwise.

§ 917.44 *Transfers.* Skim milk or butterfat disposed of each month from an approved plant shall be classified:

(a) As Class I milk, if transferred in the form of a fluid milk product to a pool plant unless utilization as Class II milk is claimed for both plants on the reports submitted for the month to the market administrator pursuant to § 917.30: *Provided*, That the skim milk or butterfat so assigned to Class II milk shall be limited to the amount thereof remaining in Class II milk in the plant of the transferee-handler after the subtraction of other source milk pursuant to § 917.46 and any additional amounts of such skim milk or butterfat shall be classified as Class I milk: *Provided further*, That if the transferor plant is a nonpool plant the skim milk or butterfat transferred shall be classified as Class I milk and as Class II milk in the same ratio as other source milk at the transferee plant is allocated to each class pursuant to § 917.46 (a) (2) and the corresponding step in paragraph (b) thereof: *And provided further*, That if other source milk was received at either or both plants the skim milk or butterfat so transferred shall be classified at both plants so as to allocate the greatest possible Class I utilization to the producer milk at both plants;

(b) As Class I milk, if transferred to a producer-handler in the form of a fluid milk product; and

(c) As Class I milk, if transferred or diverted in the form of a fluid milk product in bulk to a nonpool plant unless:

(1) The transferring or diverting handler claims classification in Class II milk in his report submitted to the market administrator pursuant to § 917.30 for the month within which such transaction occurred;

(2) The operator of such nonpool plant maintains books and records showing the utilization of all skim milk and butterfat received at such plant which are made available if requested by the market administrator for the purpose of verification; and

(3) An equivalent amount of skim milk and butterfat has been used at the nonpool plant during the month in the indicated utilization.

§ 917.45 *Computation of the skim milk and butterfat in each class.* For each month, the market administrator shall correct for mathematical and for other obvious errors the reports of receipts and utilization for each approved plant and shall compute the pounds of butterfat and skim milk in each class at each such plant: *Provided*, That if any of the water contained in the milk from which a product is made is removed before the product is utilized or disposed of by a handler, the pounds of skim milk disposed of in such product shall be considered to be in an amount equivalent to the nonfat milk solids contained in such product, plus all of the water reasonably associated with such solids in the form of whole milk.

§ 917.46 *Allocation of skim milk and butterfat classified.* After making the computations pursuant to § 917.45 the market administrator shall determine the classification of approved milk received at each approved plant each month as follows:

(a) Skim milk shall be allocated in the following manner:

(1) Subtract from the total pounds of skim milk in Class II milk the pounds of skim milk assigned to approved milk pursuant to § 917.41 (b) (5);

(2) Subtract from the remaining pounds of skim milk in each class, in series beginning with Class II milk, the pounds of skim milk in other source milk received in the form of fluid milk products which were not subject to the Class I pricing provisions of another order issued pursuant to the act;

(3) Subtract from the remaining pounds of skim milk in each class, in series beginning with Class II milk, the pounds of skim milk in other source milk other than that received in the form of fluid milk products;

(4) Subtract from the remaining pounds of skim milk in each class in series beginning with Class II milk, the pounds of skim milk in other source milk received in the form of fluid milk products which are subject to the Class I pricing provisions of another order issued pursuant to the act;

(5) Subtract from the remaining pounds of skim milk in each class the skim milk in fluid milk products received from pool plants according to the classification of such products as determined pursuant to § 917.44 (a);

(6) Subtract from the remaining pounds of skim milk in each class, in series beginning with Class II milk, the pounds of skim milk contained in inventory of fluid milk products on hand at the beginning of the month; and

(7) Add to the pounds of skim milk remaining in Class II milk the pounds of

skim milk subtracted pursuant to subparagraph (1) of this paragraph and if the remaining pounds of skim milk in both classes exceed the pounds of skim milk contained in approved milk, subtract such excess from the remaining pounds of skim milk in series beginning with Class II. Any amount of excess so subtracted shall be called "overage".

(b) Butterfat shall be allocated in accordance with the same procedure prescribed for skim milk in paragraph (a) of this section.

(c) Determine the weighted average butterfat content of approved milk remaining in each class computed pursuant to paragraphs (a) and (b) of this section.

MINIMUM PRICES

§ 917.50 *Basic formula price.* The basic formula price shall be the higher of the prices computed pursuant to paragraphs (a) and (b) of this section.

(a) The average of the basic or field prices per hundredweight reported to have been paid or to be paid for milk of 3.5 percent butterfat content received from farmers during the month at the following milk plants for which prices have been reported to the Department.

Present Operator and Location

Borden Company, Mount Pleasant, Mich.
Carnation Company, Sparta, Mich.
Pet Milk Company, Wayland, Mich.
Pet Milk Company, Coopersville, Mich.
Borden Company, Orfordville, Wis.
Borden Company, New London, Wis.
Carnation Company, Richland Center, Wis.
Carnation Company, Oconomowoc, Wis.
Pet Milk Company, New Glarus, Wis.
Pet Milk Company, Belleville, Wis.
White House Milk Company, Manitowoc, Wis.
White House Milk Company, West Bend, Wis.

(b) The sum of the amounts computed pursuant to subparagraphs (1) and (2) of this paragraph.

(1) Subtract 6.5 cents from the Chicago butter price for the month and multiply the remainder by 4.2.

(2) From the simple average, as computed by the market administrator of the arithmetical average of the carlot prices per pound of nonfat dry milk solids, spray and roller process for human consumption delivered at Chicago as reported for the month by the Department, subtract 6.5 cents and multiply the remainder by 7.913: *Provided*, That if the Department does not publish the above stated price for nonfat dry milk solids there shall be used in lieu thereof the price of nonfat dry milk solids, spray and roller process for human consumption, f. o. b. manufacturing plants in the Chicago area as published by the Department for the period from the 26th day of the preceding month through the 25th day of the current month.

§ 917.51 *Class prices.* Subject to the provisions of §§ 917.52 and 917.53 the class prices per hundredweight for the month shall be as follows:

(a) *Class I milk price.* The Class I milk price shall be the basic formula price for the preceding month plus \$2.15.

(b) *Class II milk price.* The Class II milk price shall be the price computed pursuant to § 917.50 (b).

§ 917.52 *Butterfat differentials to handlers.* For milk containing more or less than 3.5 percent butterfat, the class prices for the month calculated pursuant to § 917.51 shall be increased or decreased, respectively, for each one-tenth percent butterfat at the appropriate rate, rounded to the nearest one-tenth cent, determined as follows:

(a) *Class I price.* Add 4.3 cents to the butterfat differential computed pursuant to paragraph (b) of this section for the preceding month.

(b) *Class II price.* Subtract 6.5 cents from the Chicago butter price for the current month and multiply the remainder by 0.120.

§ 917.53 *Location differentials to handlers.* For that milk which is received from approved dairy farmers at an approved plant located 100 miles or more from the Post Offices of each of the cities of Rapid City, Lead, Hot Springs and Custer, South Dakota, by the shortest hard surfaced highway distance as determined by the market administrator, and which is classified as Class I milk, the price specified in § 917.11 (a) shall be reduced by 15 cents for the first 110 miles or less and by 1.5 cents for each additional 10 miles or fraction thereof that such plant is from the nearer of the Rapid City, Lead, Hot Springs and Custer Post Offices: *Provided*, That for the purpose of calculating the location differentials adjustment applicable pursuant to this section, fluid milk products which are transferred between approved plants shall be assigned to any remainder of Class II milk in the transferee-plant after making the calculations prescribed in § 917.46 (a) (4) and the comparable steps in § 917.46 (b) for such plant, such assignment to transferor plants to be made in sequence according to the location differential applicable to each plant, beginning with the plant having the largest differential.

§ 917.54 *Use of equivalent prices.* If for any reason a price quotation required by this order for computing class prices or for other purposes is not available in the manner described, the market administrator shall use a price determined by the Secretary to be equivalent to the price which is required.

APPLICATION OF PROVISIONS

§ 917.60 *Producer-handler.* Sections 917.40 through 917.46, 917.50 through 917.53, 917.70 through 917.77 and 917.80 through 917.83 shall not apply to a producer-handler.

§ 917.61 *Plants subject to other Federal orders.* The provisions of this part shall not apply to a distributing plant or a supply plant during any month in which such plant would be subject to the classification and pricing provisions of another order issued pursuant to the act unless such plant is qualified as a pool plant pursuant to § 917.12 and a greater volume of fluid milk products is disposed of from such plant to retail or wholesale outlets and to pool plants in the Black Hills marketing area than in the marketing area regulated pursuant to such other order: *Provided*, That the operator of a distributing plant or a supply plant

which is exempt from the provisions of this order pursuant to this section shall, with respect to the total receipts and utilization or disposition of skim milk and butterfat at the plant, make reports to the market administrator at such time and in such manner as the market administrator may require (in lieu of the reports required pursuant to § 917.30) and allow verification of such reports by the market administrator.

§ 917.62 *Handlers operating nonpool plants.* Unless payment for approved milk at such plant is made pursuant to § 917.80 (b), each handler in his capacity as the operator of a nonpool plant shall, on or before the 10th day after the end of each month pay to the market administrator for deposit into the producer-settlement fund an amount obtained by subtracting from the value, at the Class I price pursuant to § 917.51 (a), of the total hundredweight of butterfat and skim milk disposed of as Class I milk from such plant to retail or wholesale outlets (including sales by vendors and plant stores) in the marketing area during the month, the value of such skim milk and butterfat at the Class II price pursuant to § 917.51 (b).

§ 917.63 *Rate of payment on unpriced milk.* The rate of payment per hundredweight to be made by handlers on unpriced other source milk allocated to Class I milk shall be any plus amount obtained by subtracting from the Class I price adjusted by the Class I butterfat and location differentials applicable at a pool plant of the same location as the nonpool plant supplying such other source milk:

(a) During the months of April, May and June, the Class II price adjusted by the Class II butterfat differential; and

(b) During the months of July through March, the uniform price pursuant to §§ 917.72 and 917.73, adjusted by the Class I butterfat differential.

DETERMINATION OF UNIFORM PRICE

§ 917.70 *Computation of value of milk at each approved plant.* The value of approved milk received during each month at each approved plant shall be a sum of money computed by the market administrator as follows:

(a) Multiply the pounds of milk in each class by the applicable class price and add together the resulting amounts;

(b) Add the amounts computed by multiplying the pounds of overage deducted from each class pursuant to § 917.46 (a) (7) and the corresponding step of § 917.46 (b) by the applicable class prices;

(c) Add the amount obtained in multiplying the difference between the Class II price for the preceding month and the Class I price for the current month by the lesser of (1) the hundredweight of approved milk classified in Class II less shrinkage during the preceding month or (2) the hundredweight of milk subtracted from Class I pursuant to § 917.46 (a) (6) and the corresponding step of § 917.46 (b);

(d) Add an amount calculated by multiplying the hundredweight of skim milk and butterfat subtracted from Class I milk pursuant to § 917.46 (a) (2) and

(3) and the corresponding step of § 917.46 (b) by the rate of payment on unpriced milk determined pursuant to § 917.63 at the nearest nonpool plant(s) from which an equivalent amount of other source skim milk or butterfat was received: *Provided*, That if the source of any such fluid milk product received at an approved plant is not clearly established, or if such skim milk and butterfat is received or used in a form other than a fluid milk product, such product shall be considered to have been received from a source at the location of the approved plant where it is classified.

§ 917.71 *Computation of aggregate value used to determine uniform price.* For each month the market administrator shall compute an aggregate value from which to determine uniform prices per hundredweight for producer milk of 3.5 percent butterfat content, f. o. b. plants located within 100 miles of the Post Offices of Rapid City, Lead, Hot Springs, and Custer, South Dakota, as follows:

(a) Combine into one total the value computed pursuant to § 917.70 for all pool plants for which the reports prescribed in § 917.30 for such month were made, except those in default of payments required pursuant to § 917.84 for the preceding month;

(b) Add or subtract for each one-tenth percent that the average butterfat content of producer milk represented by the values included under paragraph (a) of this section is less or more, respectively, than 3.5 percent, an amount computed by multiplying such differences by the butterfat differential to producers, and multiplying the result by the hundredweight of such producer milk;

(c) Add an amount equal to the sum of the location differential deductions to be made pursuant to § 917.82; and

(d) Add an amount equal to one-half of the unobligated cash balance in the producer-settlement fund.

§ 917.72 *Computation of uniform price.* For each of the months of July through December, the market administrator shall compute a uniform price for producer milk of 3.5 percent butterfat content f. o. b. pool plants located within 100 miles of the Post Offices of Rapid City, Lead, Hot Springs, and Custer, South Dakota, as follows:

(a) Divide the aggregate value computed pursuant to § 917.71 by the total hundredweight of producer milk included in such computations; and

(b) Subtract not less than 4 cents nor more than 5 cents from the price computed pursuant to paragraph (a) of this section. The resulting figure shall be the uniform price for producer milk.

§ 917.73 *Computation of uniform price for base milk.* For each of the months of January through June, the market administrator shall compute the uniform price per hundredweight for base milk of 3.5 percent butterfat content f. o. b. pool plants located within 100 miles of the Post Offices of Rapid City, Lead, Hot Springs, and Custer, South Dakota, as follows:

(a) From the reports submitted by handlers pursuant to § 917.30 determine

the aggregate classification of producer milk included in the computation of value pursuant to § 917.71 and the total hundredweight of such milk which is base milk and which is excess milk;

(b) Subtract from the aggregate value computed pursuant to § 917.71 the amount obtained by multiplying the hundredweight of such excess milk by the price for Class II milk of 3.5 percent butterfat content;

(c) Divide the remainder by the hundredweight of base milk; and

(d) Subtract not less than 4 cents nor more than 5 cents from the price thus computed. The resulting figure shall be the uniform price for base milk.

§ 917.74 *Notification of handlers.* On or before the 10th day of each month the market administrator shall notify each handler with respect to each of his pool plants:

(a) The amount and value of milk in each class computed pursuant to §§ 917.46 and 917.70 and the totals of such amounts and values;

(b) The uniform price computed pursuant to § 917.72 or § 917.73, whichever is applicable;

(c) The amount due such handler from the producer-settlement fund;

(d) The total amounts to be paid by such handler pursuant to §§ 917.80 and 917.84; and

(e) The amount to be paid by such handler pursuant to § 917.88.

DETERMINATION OF BASE

§ 917.75 *Daily base.* The daily base for each producer shall be determined by the market administrator and shall be the amount obtained by dividing the total pounds of producer milk received from such producer at all pool plants during the months of July through December immediately preceding by the number of days on which such milk is received from such producer: *Provided*, That for the purpose of calculating the daily base of a producer pursuant to this section, the number of days of production included in his producer milk deliveries shall be the number of days on which milk is received at a pool plant and the deliveries of any dairy farmer during July through December 1957 to a plant which first became a pool plant during 1958 shall be considered producer milk received at a pool plant: *Provided further*, That if no milk is received from a producer at a pool plant during the months of July through December or if milk is received on less than 120 days during such months, the daily base of such producer shall be calculated for each of the months of January through June by dividing the pounds of producer milk received from such producer during the month by the number of days in such month and multiplying the quotient by the following percentages: January and February, 60; March and April, 50; and May and June, 40; *And provided further*, That any producer for whom a daily base has been established pursuant to this section based on deliveries of 120 days or more during the preceding months of July through December may, in lieu thereof, by notifying the market administrator prior to

January 31, be accorded a daily base calculated pursuant to the immediately preceding proviso of this section.

§ 917.76 *Base rules.* (a) A base shall apply to deliveries of milk by the producer for whose account that milk was delivered during the base forming period;

(b) Bases may be transferred by notifying the market administrator in writing prior to the last day of the month in which such base is to be transferred to the person named in such notice and only under the following conditions:

(1) In the event of the death, retirement, or entry into the military service of a producer, the entire base may be transferred to a member of such producer's immediate family who carries on the dairy operation.

(2) If a base is held jointly and such joint holding is terminated, the entire base may be transferred to one of the joint holders.

§ 917.77 *Announcement of established bases.* The market administrator shall notify each producer and the handler receiving milk from such producer of the daily base established by the producer.

PAYMENT FOR MILK

§ 917.80 *Time and method of payment.* On or before the 12th day after the end of each month during which milk is received, each handler shall make payment as follows:

(a) To each producer for milk received from him at a pool plant and for which payment is not made to a cooperative association pursuant to paragraph (c) of this section at not less than the following prices subject to the butterfat differentials computed pursuant to § 917.81:

(1) For all milk that is not excess milk, the uniform price pursuant to §§ 917.72 and 917.73, less location differential deductions pursuant to § 917.82; and

(2) For excess milk, the price for Class II milk of 3.5 percent butterfat content.

(b) To each approved dairy farmer for milk received from him at an approved plant which is a nonpool plant and for which payment is not made to a cooperative association pursuant to paragraph (c) of this section, at not less than the price per hundredweight, adjusted by the butterfat differential, pursuant to § 917.81, obtained by dividing the value of approved milk at such plant computed pursuant by § 917.70 by the hundredweight of approved milk at such plant: *Provided*, That if the total amount paid to such approved dairy farmers is less than that prescribed by this paragraph, payment of the difference shall be made to the producer-settlement fund: *And provided further*, That this paragraph shall not be applicable to approved milk received at an approved plant which is a nonpool plant in any month for which the handler operating such plant makes payment to the producer-settlement fund pursuant to § 917.62 on Class I milk disposed of in the marketing area from such plant.

(c) To a cooperative association for approved milk which it caused to be de-

livered to such handler if such cooperative association is authorized to collect such payments for its members and exercises such authority, an amount equal to the sum of the individual payments otherwise payable for such approved milk.

§ 917.81 *Butterfat differentials to producers.* The price to be paid each producer shall be increased or decreased for each one-tenth of one percent which the butterfat content of his milk is above or below 3.5 percent, respectively, at the rate, rounded to the nearest cent, of 0.120 times the Chicago butter price.

§ 917.82 *Location differentials to producers.* The uniform price to be paid producers for milk received at a pool plant located 100 miles or more from the post offices of Rapid City, Lead, Hot Springs, and Custer, South Dakota, by the shortest hard-surfaced highway distance as determined by the market administrator shall be reduced by 15 cents for the first 110 miles or less and by 1.5 cents for each additional 10 miles or fraction thereof that such plant is from the nearer of the post offices of Rapid City, Lead, Hot Springs, and Custer, South Dakota.

§ 917.83 *Producer-settlement fund.* The market administrator shall maintain a separate fund known as the "producer-settlement fund" into which he shall deposit all payments made to such fund and out of which he shall make all payments from such fund pursuant to §§ 917.62, 917.80, 917.84, 917.85, and 917.86; *Provided*, That the market administrator shall offset the payment due to a handler against payments due from such handler.

§ 917.84 *Payments to the producer-settlement fund.* On or before the 10th day after the end of each month each handler shall pay to the market administrator the amount by which the obligation pursuant to § 917.80 of such handler to producers for milk received at a pool plant during the month is less than the value of such producer milk pursuant to § 917.70.

§ 917.85 *Payments out of the producer-settlement fund.* On or before the 10th day after the end of each month the market administrator shall pay to each handler the amount by which the obligation, pursuant to § 917.80, of such handler to producers for milk received at a pool plant during the month exceeds the value of such producer milk pursuant to § 917.70.

§ 917.86 *Adjustment of accounts.* Whenever verification by the market administrator of reports or payments of any handler discloses errors in payments to or from the producer-settlement fund pursuant to §§ 917.84 and 917.85, the market administrator shall promptly bill such handler for any unpaid amounts and such handler shall, within 5 days of such billing, make payment to the market administrator of the amount so billed. Whenever verification discloses that payment is due from the market administrator to any handler, the market administrator shall within 5 days, make such payment to such handler.

§ 917.87 *Adjustment of errors in payments to producers.* Whenever verification by the market administrator of the payments by a handler to any approved dairy farmer or cooperative association, discloses payment of less than is required by § 917.80 the handler shall make up such payment to the approved dairy farmer or cooperative association not later than the time of making payments next following such disclosure.

§ 917.88 *Expense of administration.* As his pro rata share of the expenses of the administration of the order, each handler shall pay to the market administrator on or before the 15th day after the end of each month 5 cents per hundred-weight or such lesser amount as the Secretary may prescribe with respect to butterfat, and skim milk contained in (a) producer milk received at a pool plant, (b) other source milk at a pool plant which is allocated to Class I milk pursuant to § 917.46, and (c) Class I milk disposed of in the marketing area (except to a pool plant) from a nonpool plant.

§ 917.89 *Termination of obligations.* The provisions of this section shall apply to any obligation under this subpart for the payment of money.

(a) The obligation of any handler to pay money required to be paid under the terms of this subpart shall, except as provided in paragraphs (b) and (c) of this section, terminate two years after the last day of the calendar month during which the market administrator receives the handler's utilization report on milk involved in such obligation, unless within such two-year period the market administrator notifies the handler in writing that such money is due and payable. Service of such notice shall be complete upon mailing to the handler's last known address, and it shall contain, but need not be limited to, the following information:

- (1) The amount of the obligation;
- (2) The month(s) during which the milk, with respect to which the obligation exists, was received or handled; and
- (3) If the obligation is payable to one or more producers, the name of such producer(s) or association of producers, or if the obligation is payable to the market administrator, the account for which it is to be paid.

(b) If a handler fails or refuses, with respect to any obligation under this subpart, to make available to the market administrator or his representative all books and records required by this subpart to be made available, the market administrator may, within the two-year period provided for in paragraph (a) of this section, notify the handler in writing of such failure or refusal. If the market administrator so notifies a handler, the said two-year period with respect to such obligation shall not begin to run until the first day of the calendar month following the month during which all such books and records pertaining to such obligation are made available to the market administrator or his representatives.

(c) Notwithstanding the provisions of paragraphs (a) and (b) of this section,

a handler's obligation under this subpart to pay money shall not be terminated with respect to any transaction involving fraud or willful concealment of a fact, material to the obligation, on the part of the handler against whom the obligation is sought to be imposed.

(d) Any obligation on the part of the market administrator to pay a handler any money which such handler claims to be due him under the terms of this subpart shall terminate two years after the end of the calendar month during which the milk involved in the claim was received if an underpayment is claimed, or two years after the end of the calendar month during which the payment (including deduction or set-off by the market administrator) was made by the handler if a refund on such payment is claimed, unless such handler, within the applicable period of time, files pursuant to section 8c (15) (A) of the act, a petition claiming such money.

EFFECTIVE TIME, SUSPENSION OR TERMINATION

§ 917.90 *Effective time.* The provisions of this subpart or any amendment to this subpart shall become effective at such time as the Secretary may declare and shall continue in force until suspended or terminated pursuant to § 917.91.

§ 917.91 *Suspension or termination.* The Secretary may suspend or terminate this subpart or any provision of this subpart whenever he finds this subpart or any provision of this subpart obstructs or does not tend to effectuate the declared policy of the act. This subpart shall terminate in any event whenever the provisions of the act authorizing it cease to be in effect.

§ 917.92 *Continuing obligations.* If, upon the suspension or termination of any or all provisions of this subpart, there are any obligations under this subpart the final accrual or ascertainment of which requires further acts by any person (including the market administrator), such further acts shall be performed notwithstanding such suspension or termination.

§ 917.93 *Liquidation.* Upon the suspension or termination of the provisions of this subpart except this section, the market administrator, or such other liquidating agent as the Secretary may designate, shall if so directed by the Secretary, liquidate the business of the market administrator's office, dispose of all property in his possession or control, including accounts receivable, and execute and deliver all assignments or other instruments necessary or appropriate to effectuate any such disposition. If a liquidating agent is so designated, all assets, books, and records of the market administrator shall be transferred promptly to such liquidating agent. If, upon such liquidation, the funds on hand exceed the amounts required to pay outstanding obligations of the office of the market administrator and to pay necessary expenses of liquidation and distribution, such excess shall be distributed to contributing handlers and producers in an equitable manner.

MISCELLANEOUS PROVISIONS

§ 917.94 *Agents.* The Secretary may, by designation in writing, name any officer or employee of the United States to act as his agent or representative in connection with any of the provisions of this subpart.

§ 917.95 *Separability of provisions.* If any provision of this subpart or its application to any person or circumstances, is held invalid, the application of such provision and of the remaining provisions of this subpart to other persons or circumstances shall not be affected thereby.

[F. R. Doc. 58-731; Filed, Jan. 30, 1958; 8:47 a. m.]

INTERSTATE COMMERCE COMMISSION

[49 CFR Part 170]

[Ex Parte No. MC-37]

COMMERCIAL ZONES AND TERMINAL AREAS

REVISION OF DEFINITION OF BOUNDARY OF TUCSON, ARIZ., COMMERCIAL ZONE

JANUARY 20, 1958.

Pursuant to section 4 (a) of the Administrative Procedure Act (60 Stat. 237, 5 U. S. C. 1003) notice is hereby given that, for the purpose of including additional points and areas, which by reason of industrial and other developments and growth have become a part thereof, within the defined limits of the zone which is adjacent to and commercially a part of Tucson, Ariz., within the meaning of section 203 (b) (8) of the Interstate Commerce Act, the Interstate Commerce Commission, informed by experience and by an informal investigation, proposes to modify and redefine, as hereinafter indicated, the limits of the zone adjacent to and commercially a part of Tucson, Ariz., heretofore determined by the application of the population-mileage formula prescribed in Commercial Zones and Terminal Areas, 46 M. C. 665 (49 CFR 170.16), and to revise description of such zone limits to read as follows:

(a) The municipality of Tucson, Ariz., itself.

(b) All points within a line drawn five miles beyond the corporate limits of Tucson, Ariz.

(c) All municipalities any part of which is within the limits of the boundary defined in (b) above.

(d) All of any municipality wholly surrounded, or so surrounded except for a water boundary, by the city of Tucson or by any municipality included under the terms of (c) above.

No oral hearing is contemplated, but anyone wishing to make representations in favor of, or against, the above-proposed revision of the defined boundary of the Tucson, Ariz., commercial zone may do so by the submission of written data, views, or arguments. An original and five copies of such data, views, or arguments shall be filed with the Commission on or before March 9, 1958.

Notice to the general public of the action herein taken shall be given by de-

positing a copy of this notice in the Office of the Secretary of the Commission for public inspection and by filing a copy thereof with the Director, Division of the Federal Register.

By the Commission, division 1.

[SEAL] HAROLD D. McCox,
Secretary.

[F. R. Doc. 58-733; Filed, Jan. 30, 1958;
8:47 a. m.]

[49 CFR Part 205]

QUARTERLY REPORTS OF MOTOR CARRIERS OF PROPERTY-REVENUES, EXPENSES AND STATISTICS

NOTICE OF RULE MAKING

JANUARY 27, 1958.

By a joint petition received by the Commission on December 4, 1957, the American Trucking Associations, Inc., and the National Motor Freight Traffic Association, Inc., asks for a rule requiring that Class I motor carriers of general commodities be required to file quarterly reports on a revised form, to show the items set out in Appendix A¹ hereto, in addition to or in lieu of the form presently required by 49 CFR 205.12. The revised form calls for certain accounting and statistical information, and shows instructions² for the use thereof; also the requirement for filing would be 45 days rather than 30 days, as at present, after the close of the period to which each report relates.

The change is requested to make available to the Commission and to carriers on a quarterly basis data necessary to determine trends in motor carrier costs. It is stated that carriers already are required to keep, for reporting on an annual basis, the additional information which would be reported on a quarterly basis.

Upon consideration of the above-described petition, notice is hereby given, in conformity with the terms of section 4 (a) of the Administrative Procedure Act, 5 U. S. C. 1003, that the Commission is considering a requirement that Class I motor carriers of general commodities file, within 45 days of the end of each quarter, in addition to or in lieu of quarterly reports presently required by 49 CFR 205.12, revised quarterly reports showing all the items set out in Appendix A¹ hereto, subject to appropriate instructions.

Any interested person may, within 30 days from the date of this notice, file with the Commission a written statement of views or other representations with respect to the above-described changes in the rules respecting quarterly reports of Class I motor carriers of general commodities.

By the Commission, division 2.

[SEAL] HAROLD D. McCox,
Secretary.

[F. R. Doc. 58-735; Filed, Jan. 30, 1958;
8:48 a. m.]

¹ Filed as part of original document.

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Freedmen's Hospital

[42 CFR Part 401]

REVISION OF RATES FOR IN-PATIENT AND OUT-PATIENT TREATMENT

NOTICE OF PROPOSED RULE MAKING

Notice is hereby given that the Surgeon General of the Public Health Service, with the approval of the Secretary of Health, Education, and Welfare proposes to amend the regulations in this part governing the rates charged for inpatient and out-patient treatment at Freedmen's Hospital as indicated below. Interested persons may submit written

data, views or arguments in regard to the proposed regulations to the Surgeon General, Public Health Service, Washington 25, D. C. All relevant material received not later than 30 days after the publication of this notice will be considered. The amendments are not intended to be made applicable to inpatients admitted prior to the effective date of the amendments.

1. Sections 401.6, 401.7, 401.10 and 401.11 would be amended to read as follows:

§ 401.6 *Income schedule for determination of rates.* The ability of a patient to pay for his hospitalization and other services shall be determined in accordance with the following schedules:

General Medical and Surgical Patients

Number in family	Minimum—"A" free	Monthly family income—Part pay							Maximum—"I" full pay
		"B"	"C"	"D"	"E"	"F"	"G"	"H"	
1.....	\$100 or less.....	\$101-\$114	\$115-\$129	\$130-\$144	\$145-\$159	\$160-\$174	\$175-\$189	\$190-\$199	\$200 or more.
2.....	\$125 or less.....	126-140	141-155	156-169	170-185	186-199	200-219	220-239	\$240 or more.
3.....	\$160 or less.....	161-180	181-200	201-220	221-240	241-260	261-285	286-309	\$310 or more.
4.....	\$190 or less.....	191-214	215-239	240-264	265-289	290-314	315-339	340-369	\$370 or more.
5.....	\$220 or less.....	221-240	250-279	280-309	310-339	340-369	370-399	400-424	\$425 or more.
6.....	\$250 or less.....	251-284	285-320	321-354	355-385	386-420	421-454	455-479	\$480 or more.
7.....	\$275 or less.....	276-309	310-344	345-379	380-414	415-449	450-484	485-519	\$520 or more.
8.....	\$305 or less.....	306-340	341-379	380-419	420-455	456-490	491-530	531-559	\$570 or more.
9.....	\$340 or less.....	341-379	380-419	420-459	460-499	500-539	540-580	581-609	\$610 or more.
10.....	\$365 or less.....	366-400	401-439	440-479	480-515	516-554	555-595	596-624	\$625 or more.

Tuberculosis Hospital

Number in family	Minimum—"A" free	Monthly family income—Part pay							Maximum—"I" full pay
		"B"	"C"	"D"	"E"	"F"	"G"	"H"	
1.....	\$190 or less.....	\$191-\$214	\$215-\$239	\$240-\$264	\$265-\$289	\$290-\$314	\$315-\$339	\$340-\$369	\$370 or more.
2.....	\$220 or less.....	221-249	250-279	280-309	310-339	340-369	370-399	400-424	\$425 or more.
3.....	\$250 or less.....	251-284	285-320	321-354	355-385	386-420	421-454	455-479	\$480 or more.
4.....	\$275 or less.....	276-309	310-344	345-379	380-414	415-449	450-484	485-519	\$520 or more.
5.....	\$305 or less.....	306-340	341-379	380-419	420-455	456-490	491-530	531-559	\$570 or more.
6.....	\$340 or less.....	341-379	380-419	420-459	460-499	500-539	540-580	581-609	\$610 or more.
7.....	\$365 or less.....	366-400	401-439	440-479	480-515	516-554	555-595	596-624	\$625 or more.
8.....	\$385 or less.....	386-423	424-460	461-497	498-535	536-573	574-610	611-649	\$650 or more.
9.....	\$400 or less.....	401-439	440-479	480-519	520-559	560-599	600-649	650-674	\$675 or more.
10.....	\$425 or less.....	426-465	466-505	506-545	546-585	586-625	626-665	666-699	\$700 or more.

(a) *In-patients.* (1) A patient whose "monthly family income" does not exceed the appropriate minimum shall be considered to be an indigent patient and shall not be charged any amount for his hospitalization and other services.

(2) A patient whose "monthly family income" falls between the appropriate minimum and maximum shall be considered to be a part-pay patient and shall be charged for his hospitalization and other services at the rates set forth in § 401.7.

(3) A patient whose "monthly family income" is not less than the maximum shall be considered to be a full-pay patient and shall be charged for his hospitalization and other services at the rate set forth in § 401.7.

(b) *Out-patients.* (1) A patient whose "monthly family income" does not exceed the appropriate minimum shall not be charged for any treatment in the clinics.

(2) A patient whose "monthly family income" is between the appropriate

minimum and maximum shall be charged for services in accordance with the provisions of § 401.10.

(3) A patient whose "monthly family income" is above the appropriate maximum shall be charged for services in accordance with the provisions of § 401.10.

§ 401.7 *In-patient rates; full-pay and part-pay patients.* Full-pay and part-pay patients shall pay the following rates:

(a) *Ward rates per day:* The inpatient rates shown below cover hospital services only and are all inclusive except for those items specified under paragraph (c) of this section. They do not include any fees charged by the patient's private physician. The amount to be charged the patient is determined by applying family income shown under § 401.6 to the appropriate legend ("A"-"I") shown in the following schedule of ward rate:

Legend	Age group				
	General hospital			Tuberculosis hospital	
	8 years and over	2 years-7 years	0 years-2 years	8 years and over	2 years-7 years
"A"	\$0	Inclusive \$0	Inclusive \$0	\$0	Inclusive \$0
"B"	4.00	1.00	0	\$1.00	0
"C"	6.00	2.00	0	2.00	0
"D"	8.00	4.00	.50	3.00	1.00
"E"	10.00	6.00	1.00	4.00	2.00
"F"	12.00	8.00	1.50	5.00	3.00
"G"	14.00	10.00	2.00	6.00	4.00
"H"	16.00	12.00	2.50	7.00	5.00
"I"	18.00	14.00	3.00	10.00	7.00

(b) Private room rates per day: The rate for a private room accommodation in the General Hospital shall be \$21.00 a day. This rate covers hospital services only and is all inclusive except for those items specified under paragraph (c) of this section. It does not include any fees charged by the patient's private physician. Patients electing this type of accommodation will be classified as full-pay patients.

(c) There shall be the following extra charges for full-pay patients, except for those patients hospitalized in the tuberculosis hospital:

(1) New and special drugs not regularly listed in hospital formulary.

(2) Ambulance service, trip within city limits, day or night rates, \$5.00 per trip.

(3) Blood or blood derivatives at cost to the hospital.

(4) Delivery room: \$7.

(5) Operating room: \$10.

(6) X-rays: Services in excess of a total of \$25 shall be charged for in accordance with rates listed in § 401.11.

(7) Laboratory: Services in excess of a total of \$35 (exclusive of routine laboratory work consisting of urinalysis, red and white blood count, differential count, hemoglobin, sedimentation rate, and hematocrit) shall be charged for in accordance with rates listed in § 401.11.

(8) Special services: Services in excess of a total of \$10 shall be charged for in accordance with rates listed in § 401.11.

§ 401.10 *Out-patient rates; clinic patients.* (a) The fee for care or treatment of clinic patients whose "monthly family income" is between the appropriate minimum and maximum shall be \$2.00 for each visit to the clinic. This fee will include all X-ray, laboratory, and other special services necessary. The fee for routinely prescribed drugs and medications shall be \$0.50 for each prescription filled. The Superintendent, or his designee, may waive payment of any of the fees prescribed in this section if he determines that the patient is financially unable to pay such fees.

(b) The fee for care or treatment of clinic patients whose "monthly family income" is above the appropriate maximum shall be \$5.00 for each visit to the clinic. These patients shall also pay for X-ray, laboratory, drugs and other special services in accordance with the schedules set forth in § 401.11.

§ 401.11 *Rates for X-ray, laboratory, and other special services—(a) X-ray examinations.*

Head and neck:

Cerebral angiography.....	\$30
Encephalography.....	25
Encephalography, including preliminary skull.....	35
Ventriculography.....	25
Ventriculography, including preliminary skull.....	35
Eye for foreign body.....	10
Eye for localization of foreign body.....	20
Mandible.....	10
Mastoids, regular.....	12
Mastoids, including special studies.....	18
Facial bones.....	12
Nasal bones.....	10
Optic foramina.....	12
Paranasal sinuses, regular.....	12
Paranasal sinuses, including special studies.....	18
Paranasal sinuses, contrast study.....	20
Sella turcica.....	12
Skull, complete study.....	20
Skull, partial study.....	12
Teeth, single area.....	5
Teeth, partial examination.....	5
Teeth, complete examination.....	12
Temporomandibular joints.....	12
Neck for soft tissues.....	10
Sialography.....	12

Chest:

Single PA, teleroentgenogram or other.....	10
Complete—stereoscopic postero-anterior, other positions as indicated, with fluoroscopy where indicated.....	15
Special studies: kymography, body section, radiography, etc.....	25
Bronchography.....	25
Angiocardiography.....	25
Ribs.....	10
Sternum.....	10

Spine and pelvis:

Spine, complete.....	35
Spine, cervical.....	15
Spine, cervico-thoracic.....	25
Spine, thoracic.....	15
Spine, thoraco-lumbar.....	25
Spine, lumbar.....	15
Spine, lumbo-sacral.....	15
Spine, lumbo-sacro-coccygeal.....	25
Spine, sacro-coccygeal.....	15
Spine, lumbo-sacral, including pelvis and hips.....	25
Pelvis, including hips and sacroiliacs.....	15
Myelography.....	25
Discogram.....	25

Upper extremities:

Clavicle.....	10
Scapula.....	10
Shoulder.....	10
Humerus, including one joint.....	8
Elbow.....	8
Forearm, including one joint.....	8
Wrist.....	8
Hand.....	8
Fingers.....	5

Lower extremities:

Hip, single film.....	8
Hip, studies during operative procedures.....	25
Femur, including one joint.....	8
Knee.....	8
Leg, including one joint.....	8
Ankle.....	8
Foot.....	8
Toes.....	5

Abdomen:

Plain film study.....	10
Special studies, such as in passage of Miller-Abbott Tube, etc.....	15
Fistula examination with contrast.....	15
Gastro-intestinal tract: Complete (barium meal and barium enema), including gall bladder study.....	50

Abdomen—Continued

Esophagus.....	\$25
Small bowel studies.....	15
Upper gastro-intestinal tract.....	25
Colon by barium enema.....	25
Colon by barium enema and double contrast.....	25
Gall bladder, plain.....	10
Gall bladder, cholecystography.....	15
Cholangiography, operative or post operative.....	15
Urological:	
Kidney, ureter and bladder, plain film.....	10
Pyelography—intravenous.....	25
Pyelography—retrograde.....	12
Cystography.....	15
Urethrocytography.....	15
Gynecological and obstetrical:	
Abdomen and pelvis, plain.....	10
Pelviccephalometry.....	20
Placentography.....	15
Hysterosalpingography.....	15

Note: For any X-ray not listed, a reasonable price will be set, using the above table as a guide.

Special studies:

Reduction of fractures—fluoroscopic assistance.....	5
Localization of foreign body (excepting eye), fluoroscopy and film as indicated.....	15
Bone age studies.....	15
Bone length studies.....	20
Bone survey.....	35
Angiography:	
Arteriography.....	20
Venography.....	20
Pneumo-arthrography.....	15
Fistula or sinus injection with contrast.....	15
Mammography.....	15
Body section radiography.....	25

X-ray therapy:

X-ray therapy, deep:	
Series of 15 to 40 treatments.....	25
Any additional series.....	12
X-ray therapy, superficial:	
Series of 1 to 15 treatments.....	10
Any additional series.....	5

(b) *Pathology examinations.*

Serology:

Agglutinations cold.....	\$5
Agglutinations febrile (routine).....	5
Agglutinations typhoid O.....	3
Agglutinations typhoid H.....	3
Agglutinations paratyphoid A.....	3
Agglutinations paratyphoid B.....	3
Agglutinations brucellosis.....	3
Agglutinations proteus OX 19.....	3
Agglutinations tularemia.....	5
Heterophile antibody.....	5
Serologic test for syphilis.....	3
V D R L, Mazzini or other slide test.....	3
Complement fixation for gonococcus.....	5
Complement fixation tests for virus and rickettsial diseases.....	5
Bleeding or coagulation time (one only) (capillary).....	1
Bleeding and coagulation times.....	2
Clot retraction (alone).....	2
Venous clotting time.....	3
Prothrombin time.....	5
Fragility test.....	5
Bleeding studies—routine (coag. bleed, platelet ct. contractility, prothrombin).....	10
Fibrinogen determination.....	5

Chemistries:

Amylase.....	5
Ascorbic acid.....	5
Bromides.....	5
Calcium.....	5
CO ₂ Combining power.....	5
Copper.....	5
Chlorides.....	5
Cholesterol.....	5

Chemistries—Continued

Cholesterol and cholesterol esters (ratio).....	\$7
Creatinine.....	5
Glucose.....	5
Glucose tolerance.....	10
Hydrogen Ion Concentration.....	5
Icterus index.....	2
Iodine.....	15
Lactic acid.....	5
Lipase.....	5
Magnesium.....	5
Non-protein nitrogen.....	5
O ₂ capacity.....	10
O ₂ content.....	10
Phosphatase—Alkaline and acid.....	7
Phosphatase—Alkaline or acid.....	7
Phosphorus.....	5
Potassium.....	8
Protein, total serum.....	5
Protein, total serum, albumin globin ratio.....	10
Sedimentation rate.....	3
Sodium.....	5
Sulfonamides.....	5
Urea nitrogen.....	5
Uric acid.....	5
Volume.....	15
Grouping and Rh—patient only.....	5
Grouping, Rh and cross match, with donor.....	10
Rh and Rh Titre.....	10
Coombs' test.....	5
Rh factor.....	3
Grouping.....	3
Cross matching.....	3
Hemogram.....	5
Erythrocyte count and hemoglobin.....	3
Leukocyte count and differential.....	3
Platelet count.....	3
Reticulocyte count.....	3
Hematocrit (Packed cells).....	3
Hematocrit (Packed cells, erythrocyte count and hemoglobin).....	5
Malarial search—smear.....	3
Malarial search—thick smear.....	3
Total eosinophile count.....	3
Sickle-cell determination.....	2
Culture.....	10
Cerebro-spinal fluid:	
Routine examination of spinal fluid.....	15
Chlorides.....	5
Colloidal gold.....	5
Cell count and differential.....	3
Glucose (quantitative).....	5
Protein (quantitative).....	3
Smear only.....	3
Smear and culture.....	8
Smear M. tuberculosis.....	5
Culture M. tuberculosis.....	10
Wassermann or Kahn only.....	3
Animal inoculation.....	10
Feces:	
Routine (including ova and parasites).....	5
Routine and culture.....	10
Occult blood.....	1
Bile.....	2
Tapeworm—Identification.....	3
Tapeworm—Identification of head.....	5
Fat and fatty acids (qualitative).....	5
Fat only—(quantitative).....	15
Trypsin.....	10
Urobilinogen.....	5
Trypsin (Gelatin film).....	5
Search for amoeba.....	5
Kidney function tests:	
Concentration or dilution.....	2
Mosenthal.....	2
Urea clearance.....	10
P. S. P.....	5
Inulin and sodium para amino hippurate.....	25
Liver function tests:	
Bromsulfalein.....	5
Congo red.....	5
Colloidal red test.....	5
Bilirubin.....	5
Zinc sulfate turbidity.....	5
Van Den Bergh and icterus index.....	5

Liver function tests—Continued

Cephalin flocculation and thymol turbidity.....	\$5
Differential jaundice test (Vandenberg, bilirubin, etc.).....	20
Sputum:	
Animal inoculation.....	10
Animal parasites.....	5
Routine and culture.....	6
Smear only (routine and acid fast).....	3
Concentration for M. Tuberculosis.....	5
Concentration and culture for M. tuberculosis.....	10
Urine:	
Routine.....	2
Routine and culture.....	7
Microscopic only.....	1
Routine chemical only.....	1
Diabetic (sugar, acetone and diacetic acid) (for each two tests or part thereof).....	1
Chemical (lead, other heavy metals).....	25
Tests for pregnancy.....	10
Quantitative ascheim—Zondek test.....	20
Bence-Jones protein.....	2
Chemistry—quantitative acetone.....	5
Chemistry—acidity by titration.....	3
Chemistry—albumin (qualitative).....	1
Chemistry—ammonia.....	5
Chemistry—sugar (quantitative).....	3
Chemistry—calcium (qualitative).....	2
Chemistry—creatinine.....	5
Chemistry—hippuric acid.....	5
Chemistry—hydrogen ion concentration.....	2
Chemistry—indican.....	1
Chemistry—iodine (quantitative).....	15
Chemistry—nitrogen, total.....	5
Chemistry—phenols.....	5
Chemistry—phosphorus, inorganic.....	5
Chemistry—metallic poisons.....	15
Chemistry—protein, total.....	5
Chemistry—sugar, identify.....	5
Chemistry—urea.....	3
Chemistry—uric acid.....	5
Chemistry—bile.....	1
Chemistry—urobilinogen.....	3
Chemistry—Kepler's test.....	3
Chemistry—pregnandiol.....	15
Chemistry—ketosteroids.....	25
Addis count.....	5
Animal parasites.....	5
Chemistry—lactic acid.....	5
Miscellaneous:	
Bacterial sensitivity tests, one or ganism.....	15
Subsequent, each organism.....	10
Maximum, three organisms.....	35
Blood, gonadotropin.....	10
Bone marrow examination, not puncture.....	5
Calculi.....	5
Darkfield examination.....	5
Duodenal contents—routine.....	5

Miscellaneous—Continued

Duodenal contents—culture.....	\$5
Duodenal contents—trypsin, amylase, lipase.....	10
Exudates—Transudate—routine and culture.....	8
Gall bladder fluids—routine.....	5
Gastric analysis—fractional and histamine.....	5
Gastric analysis—single specimen.....	3
Poisons—Toxicology, barbiturates, etc.....	15
Saliva examinations.....	5
Semen—routine.....	5
Skin sensitivity.....	5
Miscellaneous smear and culture.....	5
Miscellaneous smear.....	3
Miscellaneous culture.....	5
Guinea pig inoculation.....	10
Vaccine.....	10

(c) Special services.

Basal metabolism.....	\$5
Bronchoscopic examination.....	5
Cystoscopic examination.....	15
Electro-cardiography.....	5
Use of plaster room.....	10
Pneumothorax.....	1
Electroencephalogram.....	25

2. Section 401.15 (a) would be amended to read as follows:

§ 401.15 *Modification of rates.* (a) In those cases where it is found that a patient must be hospitalized for a long term and in which the patient or his responsible representative is found, upon investigation, to be unable to pay for care for the full period of hospitalization required, the Superintendent is authorized to reduce the rates otherwise payable in accordance with §§ 401.6 and 401.7 or to continue to render hospital services at no charge. Reduced rates shall not go into effect until after the first 14 days of hospitalization. The Superintendent shall establish the effective date of the reduced rate in each case.

(R. S. 2038, as amended, 37 Stat. 172, as amended, 59 Stat. 366, as amended; 32 D. C. Code 317, 318, 318a)

Dated: December 27, 1957.

[SEAL] L. E. BURNETT,
Surgeon General.

Approved: January 24, 1958.

M. B. FOLSOM,
Secretary.

[F. R. Doc. 58-730; Filed, Jan. 30, 1958; 8:46 a. m.]

NOTICES

DEPARTMENT OF DEFENSE

Department of the Army

EDWARD F. MCCROSSIN

STATEMENT OF CHANGES IN FINANCIAL INTERESTS

In accordance with the requirements of section 710 (b) (6) of Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955 the following changes have taken place in my financial interests as reported in the FEDERAL REGISTER of July 26, 1957, 22 F. R. 5935.

- a. Deletions:
 1. Corporations of which I am an officer or director:
 - Yuba Consolidated Goldfields, Inc. of Maine; director.
 2. Corporations of which I am a stockholder:
 - American Zinc, Lead & Smelting Co.
 - Fire Association of Philadelphia, Pa.
 - Home Insurance Company.
 - West Virginia Pulp & Paper Co.
 - Yuba Consolidated Goldfields (name changed).
- b. Additions:
 1. Corporations of which I am an officer or director:
 - Yuba Consolidated Industries; director.

2. Corporations of which I am a stockholder: Yuba Consolidated Industries.

This statement is made as of January 1, 1958.

Dated: January 21, 1958.

E. F. McCROSSIN.

[F. R. Doc. 58-725; Filed, Jan. 30, 1958; 8:45 a. m.]

POST OFFICE DEPARTMENT

POST OFFICE DEPARTMENT STAMP ADVISORY COMMITTEE

APPOINTMENT OF MEMBERS

The following is the text of Order No. 56525, dated January 8, 1958:

The following are hereby appointed as members of the Post Office Department Citizens' Stamp Advisory Committee to serve for a period of 2 years:

Abbott Washburn, Washington, D. C.
H. L. Lindquist, New York, N. Y.
Bernard Davis, Philadelphia, Pa.
Sol Glass, Baltimore, Md.
Arnold Copeland, New York, N. Y.
Ervin Metzl, New York, N. Y.
William H. Buckley, New York, N. Y.

Order No. 56305 of The Postmaster General dated March 21, 1957 (22 F. R. 1969) is hereby rescinded.

(R. S. 161, 396, as amended, 3914, 3917; sec. 26, 20 Stat. 361, as amended, sec. 1, 46 Stat. 1469, sec. 15, 60 Stat. 810, as amended; 5 U. S. C. 22, 55a, 369, 39 U. S. C. 275, 276a, 351, 360)

[SEAL] ABE MCGREGOR GOFF,
General Counsel.

[F. R. Doc. 58-736; Filed, Jan. 30, 1958; 8:48 a. m.]

DEPARTMENT OF COMMERCE

Federal Maritime Board

[Docket No. 830]

GREATER BATON ROUGE PORT COMMISSION AND CARGILL, INC.

NOTICE OF INVESTIGATION AND OF HEARING

In the matter of agreements Nos. 8225 and 8225-1, between Greater Baton Rouge Port Commission and Cargill, Inc.

On January 27, 1958, the Federal Maritime Board entered the following order:

It appearing that pursuant to section 15 of the Shipping Act, 1916 (46 U. S. C. 814) an agreement and modification thereof have been filed for approval, which have been assigned Federal Maritime Board Agreement Nos. 8225 and 8225-1, between the Greater Baton Rouge Port Commission and Cargill, Incorporated; and

It further appearing that a notice of the filing of said agreements was published in the FEDERAL REGISTER on May 25, 1957 (22 F. R. 3713); and

It further appearing that a petition requesting an investigation and hearing and disapproval of agreements 8225 and 8225-1 has been filed by the Baton Rouge Marine Contractors, Inc., alleging that such agreements are unjustly discriminatory, unfair and unduly prejudicial to petitioner and to masters, owners, and charterers of vessels, and as between carriers, shippers, exporters, importers,

and ports in that they provide for an arbitrary selection by Cargill of only one of the competing stevedores and grain trimmers and deny the right of masters, owners, and charterers charged with the duty of stevedoring and trimming cargoes to select their own stevedores, and will operate to the detriment of the commerce of the United States within the meaning of section 15 of the Shipping Act, 1916 (46 U. S. C. 801 et seq.); and further alleging that the agreements and the practices adopted pursuant thereto are or will be in violation of sections 16 and 17 of the Shipping Act, 1916 (46 U. S. C. 815 and 46 U. S. C. 816); and

It further appearing that the lease agreement (No. 8225) has been carried out since September 7, 1955, in possible violation of said section 15 and that the lease and modification thereof may be in violation of said sections 16 and 17, now, therefore,

It is ordered, That the request of the aforementioned protestant for a hearing is granted and that an investigation is hereby instituted by the Board on its own motion pursuant to section 22 of said act (46 U. S. C. 821) to determine whether operation under agreements Nos. 8225 and 8225-1:

(1) Has been carried out before approval in violation of section 15 of said act;

(2) Will make or give any undue or unreasonable preference or advantage to any particular person, locality, or description of traffic in any respect whatsoever, or to subject any particular person, locality, or description of traffic to any undue or unreasonable prejudice or disadvantage in any respect whatsoever, in violation of section 16, First of said act, or

(3) Will result in the establishment, observance or enforcement of unjust or unreasonable regulations or practices in violation of section 17 of said act, or

(4) Will be unjustly discriminatory or unfair as between carriers, shippers, exporters, importers, or ports, or between exporters from the United States and their foreign competitors or to operate to the detriment of the commerce of the United States within the meaning of section 15 of said act;

It is further ordered, That this order be published in the FEDERAL REGISTER, and that a copy of such order be served upon each of the respondents; and

It is further ordered, That a copy of such order be furnished the protestant; and

It is further ordered, That this proceeding be assigned for hearing before an examiner of the Hearing Examiners' Office at a date and place to be fixed by the Chief Examiner.

Pursuant to the above order, notice is hereby given that a public hearing in this proceeding will be held before an examiner of the Board's Hearing Examiners' Office at a date and place to be determined and announced by the Chief Examiner. The hearing will be conducted in accordance with the Board's rules of practice and procedure, and a recommended decision will be issued by the examiner.

All persons (including individuals, corporations, associations, firms, part-

nerships, and public bodies), having an interest in this proceeding and desiring to intervene therein, should notify the Secretary of the Board on or before February 28, 1958, and should file petitions for leave to intervene in accordance with Rule 5 (n) of said rules.

Dated: January 28, 1958.

By order of the Federal Maritime Board.

GEO. A. VIEHMANN,
Assistant Secretary.

[F. R. Doc. 58-746; Filed, Jan. 30, 1958; 8:50 a. m.]

CIVIL AERONAUTICS BOARD

[Docket No. 8711]

TACA INTERNATIONAL AIRLINES, S. A.

NOTICE OF POSTPONEMENT OF HEARING

In the matter of the application of TACA International Airlines, S. A. for renewal of its foreign air carrier permit.

Notice is hereby given that the hearing in the above-entitled proceeding heretofore assigned to be held on February 4, 1958, is hereby reassigned to be held on March 24, 1958, at 10:00 a. m. in Room E-210, Temporary Building No. 5, 16th and Constitution Avenue NW., Washington, D. C., before Examiner Ferdinand D. Moran.

Dated at Washington, D. C., January 27, 1958.

[SEAL] FRANCIS W. BROWN,
Chief Examiner.

[F. R. Doc. 58-752; Filed, Jan. 30, 1958; 8:51 a. m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 12176 etc., FCC 58M-84]

KTAG ASSOCIATES (KTAG-TV) ET AL.

ORDER CONTINUING HEARING CONFERENCE

In re applications of Charles W. Lamar, Jr., J. Warren Berwick, Harold Knox, R. B. McCall, Jr., d/b as KTAG Associates (KTAG-TV), Lake Charles, Louisiana; Docket No. 12176, File No. BMPCT-4682; for modification of construction permit. Evangeline Broadcasting Company, Inc., Lafayette, Louisiana; Docket No. 12177, File No. BPCT-2335; Acadian Television Corporation, Lafayette, Louisiana; Docket No. 12178, File No. BPCT-2351; for construction permits for new television broadcast stations.

Upon the Examiner's own motion: *It is ordered*, This 27th day of January 1958, that the further prehearing conference in the above-entitled proceeding, presently scheduled to be held January 29, 1958, be, and the same is, hereby continued, to February 26, 1958, at 10:00 a. m. in the offices of the Commission, Washington, D. C.

Released: January 28, 1958.

FEDERAL COMMUNICATIONS
COMMISSION,

[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 58-739; Filed, Jan. 30, 1958; 8:49 a. m.]

[Docket No. 12189; FCC 58M-73]

HARRY WILLIAM OVERHOLTZER

ORDER SCHEDULING HEARING

In re application of Harry William Overholtzer, Pottstown, Pennsylvania; Docket No. 12189, File No. 953-C2-R-57; for the renewal of the license for the station KGB876, a two-way communication facility in the Domestic Public Land Mobile Radio Service.

It is ordered, This 24th day of January 1958, that hearing in the above-entitled proceeding, presently scheduled for January 28, 1958, is continued to February 11, 1958.

Released: January 24, 1958.

FEDERAL COMMUNICATIONS
COMMISSION,[SEAL] / MARY JANE MORRIS,
Secretary.[F. R. Doc. 58-740; Filed, Jan. 30, 1958;
8:49 a. m.]

[Docket No. 12237 etc.; 58M-81]

OKLAHOMA TELEVISION CORP. ET AL.

ORDER SCHEDULING PREHEARING CONFERENCE

In re applications of Oklahoma Television Corporation, New Orleans, Louisiana; Docket No. 12237, File No. BPCT-2330; William G. Aly, Richard J. Carrere, Frank B. Ellis, George C. Foltz, George E. Martin, Joseph A. Paretti, Chalin O. Perez, John E. Pottharst, and William H. Saunders, Jr., d/b as Coastal Television Company, New Orleans, Louisiana; Docket No. 12289, File No. BPCT-2430; for Construction Permits for New Television Broadcast Stations (Channel 12); Supreme Broadcasting Company, Inc., New Orleans, Louisiana; Docket No. 12238, File No. BMPCT-4679; for modification of construction permit (from Channel 20 to Channel 12).

The Hearing Examiner having under consideration the procedure to be followed in the above-entitled matter as shown by the transcript record of the prehearing conference held on December 12, 1957; and

It appearing that counsel for the applicants and for the Chief of the Broadcast Bureau have informally consented to appear at the further prehearing conference hereinafter ordered; now therefore,

It is ordered, This 24th day of January 1958, pursuant to §§ 1.813 and 1.841 of the Commission's rules, that the parties or their attorneys shall appear at the offices of the Commission in Washington, D. C., at 10:00 a. m. on Friday, February 7, 1958, for a further prehearing conference.

Released: January 27, 1958.

FEDERAL COMMUNICATIONS
COMMISSION,[SEAL] MARY JANE MORRIS,
Secretary.[F. R. Doc. 58-741; Filed, Jan. 30, 1958;
8:49 a. m.]

[Docket Nos. 12287, 12288; 58M-76]

SHERRILL C. CORWIN ET AL.

ORDER SCHEDULING HEARING

In re applications of: Sherrill C. Corwin, Los Angeles, California; Docket No. 12287, File No. BPCT-2368; Frederick J. Basset and William E. Sullivan (Partners) as K-UHF (TV), Los Angeles, California; Docket No. 12288, File No. BPCT-2385; for construction permits for a New Television Broadcast Station (Channel 34).

It is ordered, This 24th day of January 1958, that Basil P. Cooper will preside at the hearing in the above-entitled proceeding which is hereby scheduled to commence on March 17, 1958, in Washington, D. C.

Released: January 27, 1958.

FEDERAL COMMUNICATIONS
COMMISSION,[SEAL] MARY JANE MORRIS,
Secretary.[F. R. Doc. 58-742; Filed, Jan. 30, 1958;
8:49 a. m.]

[Docket No. 12290; 58M-79]

WRATHER-ALVAREZ BROADCASTING, INC.

ORDER SCHEDULING HEARING

In re application of Wrather-Alvarez Broadcasting, Inc., Yuma, Arizona; Docket No. 12290, File No. BMPCT-4563; for extension of time within which to construct.

It is ordered, This 24th day of January 1958, that James D. Cunningham will preside at the hearing in the above-entitled proceeding which is hereby scheduled to commence on February 28, 1958, in Washington, D. C.

Released: January 27, 1958.

FEDERAL COMMUNICATIONS
COMMISSION,[SEAL] MARY JANE MORRIS,
Secretary.[F. R. Doc. 58-743; Filed, Jan. 30, 1958;
8:49 a. m.]

[Docket No. 12291; 58M-78]

GRANITE STATE BROADCASTING CO., INC.
(WKBR)

ORDER SCHEDULING HEARING

In re application of Granite State Broadcasting Company, Inc. (WKBR), Manchester, New Hampshire; Docket No. 12291, File No. BP-10857; for construction permit.

It is ordered, This 24th day of January 1958, that Elizabeth C. Smith will preside at the hearing in the above-entitled proceeding which is hereby scheduled to commence on March 17, 1958, in Washington, D. C.

Released: January 27, 1958.

FEDERAL COMMUNICATIONS
COMMISSION,[SEAL] MARY JANE MORRIS,
Secretary.[F. R. Doc. 58-744; Filed, Jan. 30, 1958;
8:49 a. m.]

[Docket Nos. 12292, 12293; 58M-77]

ARTHUR WILLIAM WILSON AND
JOHN BOZETIAN

ORDER SCHEDULING HEARING

In re applications of Arthur William Wilson, Wichita, Kansas; Docket No. 12292, File No. BP-11021; John Bozeman, Wichita, Kansas; Docket No. 12293, File No. BP-11188; for construction permits.

It is ordered, This 24th day of January 1958, that Annie Neal Hunting will preside at the hearing in the above-entitled proceeding which is hereby scheduled to commence on March 17, 1958, in Washington, D. C.

Released: January 27, 1958.

FEDERAL COMMUNICATIONS
COMMISSION,[SEAL] MARY JANE MORRIS,
Secretary.[F. R. Doc. 58-745; Filed, Jan. 30, 1958;
8:49 a. m.]

FEDERAL POWER COMMISSION

[Docket No. E-6734]

IDAHO POWER CO.

NOTICE OF SUPPLEMENTAL APPLICATION

JANUARY 27, 1958.

Take notice that on January 20, 1958, a supplemental application in the above-entitled matter was filed with the Federal Power Commission pursuant to section 204 of the Federal Power Act by Idaho Power Company ("Applicant"), seeking a supplemental order authorizing the issuance by Applicant of up to \$40,000,000, principal amount of Promissory Notes to December 31, 1958. The Commission's order issued April 24, 1957, authorized Applicant to issue unsecured notes aggregating \$40,000,000, to banks from March 1, 1957 to February 28, 1958. Notice of Applicant's original application in Docket No. E-6734 for authority to issue \$40,000,000, of unsecured notes from March 1, 1957, to February 28, 1958, was published in the FEDERAL REGISTER on March 26, 1957 (22 F. R. 1916). Applicant states that pending its proposed 1958 financings, the issuance of additional short-term notes up to December 31, 1958, is and will continue to be necessary for interim construction, extension, and improvement of operating facilities. Applicant presently estimates that the maximum principal amount of notes outstanding at any one time will not exceed \$36,000,000.

Any person desiring to be heard or to make any protest with reference to said amendment to the application should on or before the 14th day of February 1958, file with the Federal Power Commission, Washington 25, D. C., petitions or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). The application is on file and available for public inspection.

[SEAL] JOSEPH H. GUTRIDE,
Secretary.[F. R. Doc. 58-726; Filed, Jan. 30, 1958;
8:45 a. m.]

[Docket No. E-6799]

IOWA PUBLIC SERVICE CO.

NOTICE OF APPLICATION

JANUARY 27, 1958.

Take notice that on January 22, 1958, an application was filed with the Federal Power Commission pursuant to section 204 of the Federal Power Act by Iowa Public Service Company (Applicant), a corporation organized under the laws of the State of Iowa and doing business in the States of Iowa, South Dakota and Nebraska, with its principal place of business at Sioux City, Iowa, seeking an order authorizing the issuance of \$10,000,000 aggregate principal amount of First Mortgage Bonds -- percent Series due 1988. Applicant proposes to issue the aforesaid \$10,000,000 of First Mortgage Bonds under and pursuant to the provisions of a Mortgage and Trust Indenture, dated June 1, 1946, from the Applicant to Chemical Corn Exchange Bank, of New York City, Trustee, as supplemented, including the Eighth Supplemental Trust Indenture to be dated as of March 1, 1958. Applicant proposes to sell the \$10,000,000 First Mortgage Bonds under competitive bidding with the interest rate to be determined by the successful bidder. The aforesaid bonds will be dated as of March 1, 1958, will be issued on or about March 11, 1958, and will mature on March 1, 1988. The proceeds from the sale of the First Mortgage Bonds will be used to pay off temporary bank loans in principal amount of \$900,000 and to provide a portion of the funds required for the construction or acquisition of permanent improvements, extensions and additions to Applicant's property.

Any person desiring to be heard or to make any protest with reference to said application should on or before the 14th day of February 1958, file with the Federal Power Commission, Washington 25, D. C., petitions or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). The application is on file and available for public inspection.

[SEAL] JOSEPH H. GUTRIDE,
Secretary.

[F. R. Doc. 58-727; Filed, Jan. 30, 1958;
8:45 a. m.]

INTERSTATE COMMERCE COMMISSION

FOURTH SECTION APPLICATIONS FOR RELIEF

JANUARY 28, 1958.

Protests to the granting of an application must be prepared in accordance with Rule 40 of the general rules of practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 34439: *Iron and steel articles—Official territory to western points.* Filed by O. E. Schultz, Agent (ER No. 2421), for interested rail carriers. Rates on iron and steel articles, carloads, as described in the application

from specified points in official territory to specified destinations in Colorado, Iowa, Missouri, Nebraska and Wyoming.

Grounds for relief: Short-line distance formula.

Tariff: Supplement 15 to Agent Hirsch's tariff I. C. C. 4785.

FSA No. 34440: *Machinery and machines—Gainesville, Ga., to official territory.* Filed by O. W. South, Jr., Agent (SFA No. A3593), for interested rail carriers. Rates on machinery and machines, and parts thereof, carloads from Gainesville, Ga., to points in official (including Illinois) territory.

Grounds for relief: Short-line distance formula, grouping, and market competition.

Tariffs: Supplement 267 to Agent C. W. Boin's tariff I. C. C. A-800. Supplement 448 to Agent R. G. Raasch's tariff I. C. C. 485.

FSA No. 34441: *Perlite rock—Grants, N. Mex., to points in southern territory.* Filed by W. J. Prueter, Agent (TCFB No. 346), for interested rail carriers. Rates on perlite rock, broken, crushed or ground, dried or not dried, not expanded, straight or mixed carloads from Grants, N. Mex., to Jacksonville, South Jacksonville, Tensulate, Fla., and Nashville, Tenn.

Grounds for relief: Short-line distance formula, and market competition.

Tariff: Supplement 45 to Agent Prueter's tariff I. C. C. 1536.

FSA No. 34442: *Petroleum products—Kansas and Missouri to Kansas points.* Filed by W. J. Prueter, Agent (WTL No. A-1953) for interested rail carriers. Rates on petroleum road oil, wax tailings, asphalt, and transformer oil, carloads, as described in the application from specified points in Kansas and Missouri to points in Kansas named in item 7630-series of the schedule listed below.

Grounds for relief: Short-line distance formula, truck and market competition.

Tariff: Supplement 11 to Agent Prueter's tariff I. C. C. No. A-4208.

FSA No. 34443: *Petroleum products—Southwestern and Kansas points to the west.* Filed by F. C. Kratzmeir, Agent, (SWFB No. B-7187), for interested rail carriers. Rates on petroleum, petroleum products, and related articles, carloads from stations in Arkansas, Kansas, Louisiana, Missouri, New Mexico, Oklahoma, and Texas to stations in Colorado, Illinois, Indiana, Iowa, Kansas, Michigan, Minnesota, Missouri, Montana, Nebraska, North Dakota, South Dakota, Wisconsin, and Wyoming.

Grounds for relief: Restoration of origin relationships disrupted since June 30, 1946, resulting from general increases.

Tariffs: Agent Kratzmeir's tariff I. C. C. 4279.

FSA No. 34444: *Substituted service, motor-rail-motor, N. Y., N. H. & H. R. R.* Filed by The New York, New Haven and Hartford Railroad Company, for itself (No. 206), and on behalf of Downing & Perkins, Inc., and other interested motor carriers. Rates on various commodities loaded in motor-truck semi-trailers and transported on railroad flat cars between Boston, Springfield, and Worcester, Mass., New Haven, Conn., and Providence, R. I., on the one hand, and Harlem River, N. Y., on the other, on traffic orig-

inating at or destined to points beyond the named points reached by motor trucks.

Grounds for relief: Motor truck competition.

FSA No. 34445: *Sulphates between points in southern territory and border points.* Filed by O. W. South, Jr., Agent (SFA No. A3597), for interested rail carriers. Rates on sulphate (ferric sulphate), crude, dry, carloads; also sulphate (ferrous sulphate) (copperas), carloads between points in southern territory, and between such points, on the one hand, and Ohio and Mississippi River crossings and border points named or described in Agent C. A. Spaninger's tariff I. C. C. 1300, on the other.

Grounds for relief: Short-line distance formulas, grouping, and maintenance of short or weak line arbitraries.

Tariff: Supplement 18 to Agent Spaninger's tariff I. C. C. 1613.

FSA No. 34446: *Substituted service, motor and rail—B&M, D&H, and Penn., Railroads.* Filed by The Eastern Central Motor Carriers Association, Inc., Agent (No. 77), for interested rail and motor carriers. Rates on freight loaded in highway truck trailers and transported on railroad flat cars between Cleveland and Toledo, Ohio, on the one hand, and East Cambridge, Holyoke, and Worcester, Mass., on the other.

Grounds for relief: Motor truck competition.

Tariff: The Eastern Central Motor Carriers Association, Inc., Agent, Tariff I. C. C. No. 17.

By the Commission.

[SEAL] HAROLD D. MCCOY,
Secretary.

[F. R. Doc. 58-732; Filed, Jan. 30, 1958;
8:47 a. m.]

[No. 32313]

COMMODITIES, PAN-ATLANTIC, BETWEEN EAST AND TEXAS

At a session of the Interstate Commerce Commission, Board of Suspension, held at its office in Washington, D. C., on the 8th day of November A. D. 1957.

There being under consideration the matter of rates and charges, and rules, regulations and practices affecting such rates and charges applicable on interstate or foreign commerce of various commodities, from eastern origins to Dallas and Fort Worth, Tex., as set forth in the following schedules:

Pan-Atlantic Steamship Corporation:

MF-I. C. C. No. 64;
On Thirteenth Revised Page 90, Item No. 3030;
On Fourteenth Revised Page 91, Item No. 3060;
On Seventh Revised Page 99, Item No. 3359;
On Eighth Revised Page 104-A, Item No. 3561;
On First Revised Page 126-A, Item No. 4181;
On Fifteenth Revised Page 128, Item No. 4205;
On Tenth Revised Page 129, in Item No. 4231, the 204-cent rates;
On Fifth Revised Page 129-A, Item No. 4242;
On Twenty-first Revised Page 133, Item No. 4392;

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On Third Revised Page 134-A, Item No. 4459;
 On Twelfth Revised Page 138, Item No. 4545;
 On Sixth Revised Page 140-C, in Item No. 4601, the rates from New Haven, Conn., Baltimore, Md., and Philadelphia, Pa.;
 On Eleventh Revised Page 145, Item No. 4764;
 On Sixth Revised Page 154, Item No. 5190;
 On Eighth Revised Page 157-A, in Item No. 5321, the rate from Buffalo, N. Y.;
 On Fourteenth Revised Page 158, Item No. 5330;
 On Eighteenth Revised Page 159, Item No. 5370;
 On Fifth Revised Page 159-A, Item No. 5378;
 On Fifteenth Revised Page 161, Item No. 5450;
 On Eleventh Revised Page 169, in Item No. 5750, the rate from York, Pa.;
 On Fifth Revised Page 169-A, in Item No. 5760, and on Twelfth Revised Page 170, in Item No. 5770, the rates from Hanover and York, Pa.;
 or as the same may be amended or reissued;

It appearing that upon consideration of the tariff schedules there is reason to institute an investigation to determine whether they result in rates and charges, rules or regulations and practices that are unjust and unreasonable in violation of the Interstate Commerce Act; and good cause appearing therefor:

It is ordered, That an investigation be, and it is hereby, instituted, upon the Commission's own motion, into and concerning the lawfulness of the rates, charges, rules, regulations, and practices contained in said schedules, with a view to making such findings and orders in the premise as the facts and circumstances shall warrant.

It is further ordered, That the investigation in this proceeding shall not be confined to the matters and issues hereinbefore stated as the reason for instituting this investigation, but shall include all matters and issues with respect to the lawfulness of the said rates,

charges, rules, regulations and practices under the Interstate Commerce Act.

It is further ordered, That the Pan-Atlantic Steamship Corporation and carriers parties to schedules named herein be, and they are hereby, made respondents to this proceeding; that a copy of this order be forthwith served upon the said respondents; and that notice of this proceeding be given the public by posting a copy of this order in the Office of the Secretary of the Commission, and by filing a copy with the Director, Division of the Federal Register.

And it is further ordered, That this matter be assigned for hearing at a time and place to be hereafter fixed.

By the Commission, Board of Suspension.

[SEAL]

HAROLD D. MCCOY,
 Secretary.

[F. R. Doc. 58-734; Filed, Jan. 30, 1958;
 8:47 a.m.]